

EXHIBIT A

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**



EDWARD WEBER,

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ OCT 19 2011 ★

Plaintiff,

-against-

BROOKLYN OFFICE
COMPLAINT

CITY OF NEW YORK; NEW YORK CITY
DEPARTMENT OF EDUCATION; LASHAWN
ROBINSON, AS PRINCIPAL OF
BROWNSVILLE ACADEMY HIGH SCHOOL
(BAHS); LANA PHILLIPS, AS ASSISTANT
PRINCIPAL OF BAHS; KATWONA WARREN,
AS ASSISTANT PRINCIPAL OF BAHS; KEVIN
RANK, AS A GUIDANCE COUNSELOR OF
BAHS; AND DIANA RAMSAWAK, AS A LEAD
TEACHER AT BAHS

Defendants.

ECF CASE 1
**PLAINTIFF DEMANDS
A TRIAL BY JURY**

ROSS, J.

POLLAK, J.

11-CV-_____ ()

Plaintiff EDWARD WEBER ("Plaintiff" or "Weber"), by his attorneys GLASS KRAKOWER LLP, complaining of Defendants CITY OF NEW YORK (the "City"), NEW YORK CITY DEPARTMENT OF EDUCATION ("NYCDOE"), LASHAWN ROBINSON, AS PRINCIPAL OF BROWNSVILLE ACADEMY HIGH SCHOOL ("BAHS"); LANA PHILLIPS, AS ASSISTANT PRINCIPAL OF BAHS; KATWONA WARREN, AS ASSISTANT PRINCIPAL OF BAHS; KEVIN RANK, AS A GUIDANCE COUNSELOR OF BAHS; AND DIANA RAMSAWAK, AS A LEAD TEACHER AT BAHS (collectively "Defendants"), alleges as follows:

PRELIMINARY STATEMENT

1. Plaintiff has been a high school teacher within the New York City Department of Education since 2001, and has been assigned to Brownsville Academy High School since September 2005.

2. Plaintiff has been discriminated against by Defendants because of his age and Jewish religion, and retaliated against for complaining about this discrimination in violation of the Age Discrimination in Employment Act of 1967 as amended ("ADEA"), 29 U.S.C. Section 621 et seq. ("ADEA"); Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section 2000-e et seq. ("Title VII"); the Fourteenth Amendment of the United States Constitution; the New York State Constitution, and the statutory and common laws of the State of New York and the New York City Administrative Code, culminating in an attempt to terminate his employment pursuant to disciplinary charges in accordance with Section 3020-a of the New York State Education Law as of October 2011. The action seeks declaratory and injunctive relief and compensatory and punitive damages both to secure future protection and to redress the past deprivation of rights secured to Plaintiff under federal and state law.

3. Plaintiff seeks compensatory and punitive damages to redress the discrimination and retaliation to which Defendants have subjected him, and seeks damages for economic loss; pain and suffering; physical distress; emotional distress and mental anguish; injury to name, career and reputation; costs; reasonable attorney's fees, and punitive damages.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over Plaintiff's federal claims pursuant to the ADEA, 29 U.S.C. Section 621, and 28 U.S.C. Sections 1331 and 1337, and Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section 2000-e.

5. This Court is empowered to issue a declaratory judgment pursuant to 28 U.S.C. Sections 2201 and 2202.

6. This Court has supplemental jurisdiction over Plaintiff's state and city law claims under 28 U.S.C. Section 1367(a).

7. All conditions precedent to jurisdiction under the ADEA and Title VII have occurred or been complied with. Plaintiff dual-filed a timely charge of discrimination and retaliation with both the New York State Division of Human Rights ("SDHR") and United States Equal Employment Opportunity Commission ("EEOC") based on age and creed/religion on November 9, 2010. Plaintiff received a Notice of Right to Sue letter from the EEOC, dated July 21, 2011. A copy of the Notice of Right to Sue letter is annexed hereto at Exhibit A.

8. Venue is proper in this District pursuant to 28 U.S.C. Section 1391(b) because a substantial part of the events or omissions giving rise to the claims occurred in this District and Plaintiff is a resident and works in a public school located in this District.

PARTIES

9. At all times relevant hereto, Plaintiff Edward Weber has been a citizen of the United States. Plaintiff is a resident of Brooklyn, Kings County, State of New York.

10. Plaintiff is fifty-six (56) years old and is an observant Hasidic ultraorthodox Jew.

11. Plaintiff has been employed as a teacher by Defendant New York City Department of Education (formerly known as the New York City Board of Education) from approximately 2001 to the present.

12. Defendant City of New York is a municipality duly organized by the State of New York.

13. Defendant New York City Department of Education (formerly known as the New York City Board of Education) is an agency of the City of New York.

14. All actions and omissions described in this Complaint were made by Defendants directly and/or through their supervisory employees and agents.

15. Defendant NYCDOE has a principal executive office located at the Tweed Courthouse, 52 Chambers Street, New York, NY 10007.

16. All defendants routinely conducts business within the Eastern District of New York.

17. At all times relevant to this action, Defendant Lashawn Robinson was and is the Principal of Brownsville Academy High School in Brooklyn, New York.

18. At all times relevant to this action, Defendant Lana Phillips was and is an Assistant Principal of Brownsville Academy High School in Brooklyn, New York.

19. At all times relevant to this action, Defendant Katwona Warren was and is an Assistant Principal of Brownsville Academy High School in Brooklyn, New York.

20. At all times relevant to this action, Defendant Kevin Rank was and is a guidance counselor at Brownsville Academy High School in Brooklyn, New York.

21. At all times relevant to this action, Defendant Diane Ramsawak was and is a lead teacher at Brownsville Academy High School in Brooklyn, New York.

22. At all times relevant to this action, Defendants Robinson, Phillips, and Warren supervised Plaintiff in the performance of his duties.

23. At all times relevant to this action, Defendant NYCDOE was Plaintiff's employer within the meaning of the Age Discrimination in Employment Act (ADEA) and Title VII of the Civil Rights Act of 1964 (Title VII).

24. At all times relevant to this action, Defendant City of New York was Plaintiff's employer within the meaning of the Age Discrimination in Employment Act (ADEA) and Title VII of the Civil Rights Act of 1964 (Title VII).

FACTS

25. Plaintiff Weber began teaching with Defendants New York City Department of Education (formerly New York City Board of Education) and Defendant City of New York in 2001 and continuing to the present.

26. Plaintiff is employed as a chemistry teacher at BAHS, where he is the oldest teacher and, upon information and belief, the only Jewish teacher at the school among the approximately 20 teachers at the school.

27. Plaintiff is a respected, experienced pedagogue who received tenure from the NYCDOE in June 2004, and maintained an unbroken string of eight satisfactory annual end-of-year ratings, before suddenly starting to be issued Unsatisfactory annual ratings about his performance beginning in the 2009-10 school year.

28. Plaintiff was wooed from his previous school by BAHS's then-principal, Joanne Nabors, to, at the school, conceive, design, initiate, equip, and teach a Chemistry curriculum, an ambitious innovation given the school's mission and student profile. After transferring there for the 2005-2006 school year, Plaintiff created a program that imparted to students the

fundamentals of basic chemistry to prepare them for post-graduation careers in, for example, medical fields like practical nursing and phlebotomy, as well as to lay a foundation for those admittedly few students for whom chemistry might awaken a desire for more advanced scientific study.

29. BAHS is part of the NYCDOE's "transfer high schools" network, which seeks to provide academic remediation and the opportunity to earn a high-school diploma to older, previously unsuccessful students who, ages 17-20, are on the verge of aging out of the public secondary school system. In most cases, the students' shortfalls are due to long histories of interlocking academic and behavioral issues, including homelessness, family dysfunction, truancy, juvenile delinquency, substance abuse, jail time, and teenage parenthood. But the undeniable academic gaps that will tend to disadvantage such students in the core curriculum are likely to be greatly exacerbated in a decidedly more demanding, upper-level course like chemistry. Thus, transfer high school students tend to be considerably less likely to pass courses -- though not to acquire useful information -- in the sciences, which reward rigor, precision, and preparation, than they are to pass courses in the humanities or the arts where standards are more flexible. (This may explain why Plaintiff is the only transfer high school teacher in the five boroughs exclusively assigned to chemistry classes.) Regardless, all classroom pursuits must contend with the BAHS's very high rates of drop-out, truancy, lateness, and absence, the last of which has for years consistently remained in the mid-60 percent range, despite incentives for improved and excellent attendance like movie tickets and pizza parties, all enticements funded by -- according to documents regarding BAHS in the Web-accessible NYCDOE *School Comprehensive Educational Plan* -- school budget set-asides.

30. In the 2008-09 school year, LaShawn Robinson replaced Joanne Nabors as principal of BAHS. She rated Plaintiff Satisfactory for his Annual Professional Performance Review for the 2008-2009 school year, the same annual rating he had received in his previous eight school years with the NYCDOE. Meanwhile, upon information and belief, she assembled in preparation for the 2009-10 school year, an administration almost wholly comprised of associates, acquaintances, and friends from her college sorority Delta Sigma Theta.

31. Until the 2009-10 school year, Plaintiff, a 55-year-old ultra-orthodox Jew, received only Satisfactory annual ratings and Satisfactory observations for his teaching performance. Upon information and belief, Principal Robinson had no teaching experience when she took over as principal of the school.

32. In the 2009-10 school year, Plaintiff was, suddenly and without any genuine professional basis, targeted for firing by Principal Robinson and her assistant principals, and, in building a bogus paper trail to justify that termination, issued an unbroken string of negative observation reports seeking to establish his incompetence. Plaintiff had, prior to that school year, never before received even a single such observation in his nearly a decade as an NYCDOE teacher. This culminated in, at the end of that 2009-10 school year, Principal Robinson issuing Plaintiff an Unsatisfactory year-end performance review (APPR), the first he ever had received.

33. Commencing during the 2009-10 school year, Plaintiff has been subjected to repeated hostile, unfair, and discriminatory acts based on his age and religion.

34. For example, Plaintiff was told on repeated occasions by Defendants that he does not understand technology and was in fact deprived technology, such as a white board, at the school, while younger teachers were given the same technology.

35. Defendant administrators also have repeatedly targeted other older teachers at the school with Unsatisfactory ratings and probationary discontinuances at the school.

36. Plaintiff also has been on several occasions been denied religious accommodations such as being arbitrarily denied time off for religious observances, and being disturbed at home on Jewish holidays. He also was charged with Section 3020-a incompetency charges seeking his termination days before Yom Kippur in October 2011, for no apparent reason as to timing since he had not even been written up for discipline on a single occasion for the 2011-12 school year.

37. Plaintiff's religion also was used against him by Principal Robinson making false allegations against him to the NYCDOE's own internal Office of Equal Employment Opportunity (OEO), falsely accusing him of favoring Jewish students over minority students at the school.

38. Plaintiff also has been repeatedly denied Kosher food at mandatory staff functions even though it is available, and despite his repeated requests for it, while accommodations are made for non-Jewish teachers.

39. Since Plaintiff dually filed his age and religious discrimination charge with the SDHR and EEOC in November 2010, Plaintiff has continued to be subject to repeated acts of retaliation, such as being issued repeated negative observations and false disciplinary write-ups by BAHS administrators in the Spring of 2011, an end of year Unsatisfactory rating for the 2010-11 school year, and, most recently, preferral of Section 3020-a disciplinary charges and specifications against him wherein the NYCDOE imminently seeks to end his employment before a hearing officer.

40. Defendants further failed to write up a Satisfactory rated observation Plaintiff performed in the fall of 2010 after he filed the SDHR charge, and Principal Robinson stated on the tape at the appeal hearing regarding his Unsatisfactory rating for the 2009-10 school year that he would never receive a Satisfactory observation again.

41. The foregoing are just some examples of the harassing, discriminatory and retaliatory treatment that Plaintiff suffered and continues to suffer at the hands of Defendants since the filing of his original SDHR/EEOC discrimination charge in November 2010.

42. Based on the foregoing, Defendants have engaged in an egregious pattern of retaliation, harassment, and age and religious discrimination against Plaintiff.

43. Moreover, Defendants have not conducted an appropriate or timely investigation of Plaintiff's complaints and have failed adequately to respond to Plaintiff's concerns, but rather continue to retaliate against him to date.

44. Upon information and belief, a responsible investigation by Defendants would have shown, among other things, that Plaintiff was subjected to egregious harassing, discriminatory, and retaliatory behavior.

45. As a result of Defendants' conduct and inaction, Plaintiff continues to be discriminated against in the terms and conditions of his employment.

46. Defendants' inaction, including their failure to investigate and their ongoing discriminatory conduct, constitutes additional actionable discrimination and retaliation.

47. Defendant Robinson is liable for the discriminatory and retaliatory acts taken by her supervisory employees, who were acting within the apparent scope of the authority entrusted to her by Defendants.

48. Upon information and belief, Defendants, through their respective agents and employees, had actual notice and knew and/or should have known of the discrimination, retaliation, and harassment to which Plaintiff was subjected.

49. Defendants, through their respective agents and employees, failed to take steps to prevent and correct the discrimination, harassment, and retaliation to which Plaintiff has been subjected.

50. Defendants' actions were motivated throughout by unlawful discrimination, harassment, and retaliation.

51. As a result of Defendants' acts, Plaintiff has suffered and continues to suffer damage, including, upon information and belief, economic loss, as well as damage to name, profession, career and reputation, mental and physical pain and suffering, severe emotional distress, embarrassment, indignity, inconvenience, and substantial dislocation in his personal and professional life, and potential loss of his tenured teaching position.

FIRST CAUSE OF ACTION
AGE DISCRIMINATION UNDER ADEA ("City" and "DOE")

52. Plaintiff realleges and incorporates by reference each and every allegation above as if fully set forth herein.

53. Defendants' conduct constitutes discriminatory treatment on the basis of age in violation of 29 U.S.C. Section 621 et seq.

54. As a direct and proximate result of Defendants' acts, Plaintiff has been damaged.

SECOND CAUSE OF ACTION
RELIGIOUS DISCRIMINATION UNDER TITLE VII ("City" and "DOE")

55. Plaintiff realleges and incorporates by reference each and every allegation above as if fully set forth herein.

56. Defendants' conduct constitutes discriminatory treatment on the basis of his religion in violation of 42 U.S.C. Section 2000-e et seq.

57. As a direct and proximate result of Defendants' acts, Plaintiff has been damaged.

**THIRD CAUSE OF ACTION
AGE AND RELIGIOUS DISCRIMINATION IN VIOLATION OF
NEW YORK STATE HUMAN RIGHTS LAW (All Defendants)**

58. Plaintiff realleges and incorporates by reference each and every allegation above as if fully set forth herein.

59. New York Human Rights Law, Executive Law Section 296(1)(a), prohibits discriminatory treatment in employment on the basis, of among other things, age and religion.

60. New York Human Rights Law, Executive Law Section 296(6), provides that it is an unlawful and discriminatory practice for a person to aid, abet, incite, compel or coerce a discriminatory act or to attempt to do so.

61. Defendants' conduct constitutes discriminatory treatment on the basis of age and religion in violation of the New York Human Rights Law.

62. As a direct and proximate result of Defendants' acts, Plaintiff has been damaged.

**FOURTH CAUSE OF ACTION
RETALIATION IN VIOLATION OF ADEA ("City" and "DOE")**

63. Plaintiff realleges and incorporates by reference each and every allegation above as if fully set forth herein.

64. The ADEA prohibits an employer, inter alia, from taking retaliatory action against an employee because that employee has opposed, inter alia, discrimination based on age.

65. As described above, Defendants retaliated against Plaintiff for asserting his rights under the anti-discrimination laws with respect to compensation, terms, conditions, and privileges of employment in violation of the ADEA. As a direct and proximate result of Defendants' acts, Plaintiff has been damaged.

**FIFTH CAUSE OF ACTION
RETALIATION IN VIOLATION OF TITLE VII ("City" and "DOE")**

66. Plaintiff realleges and incorporates by reference each and every allegation above as if fully set forth herein.

67. Title VII prohibits an employer, inter alia, from taking retaliatory action against an employee because that employee has opposed, inter alia, discrimination based on religion.

68. As described above, Defendants retaliated against Plaintiff for asserting his rights under the anti-discrimination laws with respect to compensation, terms, conditions, and privileges of employment in violation of Title VII. As a direct and proximate result of Defendants' acts, Plaintiff has been damaged.

**SIXTH CAUSE OF ACTION
RETALIATION IN VIOLATION OF NEW YORK
HUMAN RIGHTS LAW (All Defendants)**

69. Plaintiff realleges and incorporates by reference each and every allegation above as if fully set forth herein.

70. Section 296 of the New York State Human Rights Law prohibits any person from taking retaliatory action against an employee because that employee has opposed, inter alia, discrimination based on age and/or religion.

71. As described above, Defendants retaliated against Plaintiff for asserting her rights under the anti-discrimination laws with respect to compensation, terms, conditions, and privileges of employment in violation of the New York State Human Rights Law, and as a direct and proximate result of Defendants' acts, Plaintiff has been damaged.

**SEVENTH CAUSE OF ACTION
AGE AND RELIGIOUS DISCRIMINATION IN VIOLATION OF NEW YORK
CITY ADMINISTRATIVE CODE (All Defendants)**

72. Plaintiff realleges and incorporates by reference each and every allegation above as if fully set forth herein.

73. Defendants discriminated against Plaintiff in the terms and conditions of his employment because of his age and religion, in violation of New York State Administrative Code Sections 8-107, 8-502.

74. As a direct and proximate result of Defendants' acts, Plaintiff has been damaged.

**EIGHTH CAUSE OF ACTION
RETALIATION IN VIOLATION OF NEW YORK
CITY ADMINISTRATIVE CODE (All Defendants)**

75. Plaintiff realleges and incorporates by reference each and every allegation above as if fully set forth herein.

76. As described above, Defendants retaliated against Plaintiff for asserting his rights under the anti-discrimination laws with respect to compensation, terms, conditions, and privileges of employment in violation of the New York State Human Rights Law.

77. As described above, Defendants retaliated against Plaintiff for asserting his rights under the anti-discrimination laws with respect to compensation, terms, conditions, and privileges of employment in violation of the New York City Administrative Code Sections 8-107, 8-502.

78. As a direct and proximate result of Defendants' acts, Plaintiff has been damaged.

NINTH CAUSE OF ACTION
42 U.S.C. SECTION 1983; EQUAL PROTECTION
UNDER THE UNITED STATES CONSTITUTION (All Defendants)

79. Plaintiff realleges and incorporates by reference each and every allegation above as if fully set forth herein.

80. Defendants' acts as described above constituted adverse and discriminatory actions with respect to terms and conditions of Plaintiff's employment and Plaintiff's ability to engage in the practice of his profession.

81. Plaintiff's age and religion were substantial and motivating factors in the adverse actions taken by Defendants against Plaintiff.

82. By their acts as described above, Defendants have deprived Plaintiff of his rights to equal employment opportunities and equal protection of the law under the Fourteenth Amendment of the United States Constitution.

83. Defendants acted under color of law and in bad faith.

84. As a direct and proximate result of Defendants' acts, Plaintiff has been damaged.

TENTH CAUSE OF ACTION
EQUAL PROTECTION
UNDER THE NEW YORK CONSTITUTION (All Defendants)

85. Plaintiff realleges and incorporates by reference each and every allegation above as if fully set forth herein.

86. Defendants' acts as described above constituted adverse and discriminatory actions with respect to the terms and conditions of Plaintiff's employment and Plaintiff's ability to engage in and practice in his profession.

87. Plaintiff's age and religion were substantial and motivating factors in the adverse actions taken by Defendants against Plaintiff.

88. By their acts as described above, Defendants have deprived Plaintiff of his rights to equal employment opportunities and equal protection of the law under the Fourteenth Amendment of the United States Constitution.

89. Defendants acted under color of law and in bad faith.

90. As a direct and proximate result of Defendants' acts, Plaintiff has been damaged.

91. Plaintiff also seeks punitive damages for the Defendants' egregious conduct.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court award the following relief against Defendants:

- a. Judgment declaring that the Defendants' acts breached Plaintiff's rights as secured by federal and state law prohibiting discrimination and retaliation in employment;
- b. Enjoining Defendants from any further acts adversely affecting the terms and conditions of Plaintiff's employment including his appointments, compensation, and privileges;
- c. Compensatory damages to compensate Plaintiff for breach of contract, economic loss, damage to name, profession, career and reputation, pain and suffering, emotional

distress and mental anguish, embarrassment, indignity, and dislocation, in an amount
to be determined at trial;

- d. Punitive damages against one or all of the Defendants;
- e. Statutory attorneys' fees, interest, costs, and disbursements; and
- f. Such additional relief which the Court deems just and proper.

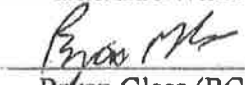
JURY DEMAND

PLAINTIFF DEMANDS A TRIAL BY JURY.

Dated: October 18, 2011
New York, New York

Respectfully Submitted,

GLASS KRAKOWER LLP

By: 
Bryan Glass (BG 9823)
11 Penn Plaza, 5th Floor
New York, NY 10001
(212) 537-6859
Attorneys for Plaintiff

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Edward Weber**
562 New York Avenue
Brooklyn, NY 11225

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

16G-2011-00637

Holly M. Woodyard,
Investigator

(212) 336-3643

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

Charging Party wishes to pursue the matter in Federal District Court.

- NOTICE OF SUIT RIGHTS -

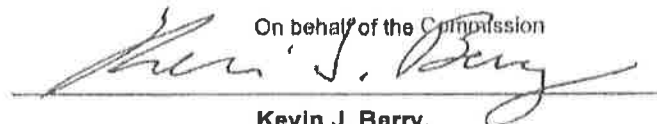
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

Enclosures(s)

On behalf of the Commission



Kevin J. Berry,
District Director

July 21, 2011

(Date Mailed)

cc: **CITY OF NEW YORK, DEPARTMENT OF EDU**
Attn: Director of Human Resources
62 Chambers Street, Room 308
New York, NY 10007

Bryan D. Glass, Esq.
Glass Krakower, LLP
11 Penn Plaza, 5th Floor
New York, NY 10001

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York



Edward Weber

Plaintiff

v.

City of New York; New York City Department of
Education; Lashawn Robinson, Principal, et al.

Defendant

CV 11 - 5083
Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

NYC Department of Education
c/o New York City Law Department
100 Church Street
New York, NY 10007

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Glass Krakower LLP
11 Penn Plaza, 5th Floor
New York NY 10001
(212) 537-6859

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

DOUGLAS C. PALMER

CLERK OF COURT

Signature of Clerk or Deputy Clerk

Date: OCT 19 2011

EXHIBIT B

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

3 -----X
4 EDWARD WEBER,

5 PLAINTIFF,

6 -against-

Case No:
11-CV-5083(MKB) (CPL)

7 CITY OF NEW YORK, NEW YORK CITY DEPARTMENT OF EDUCATION,
8 LASHAWN ROBINSON, AS PRINCIPAL OF BROWNSVILLE ACADEMY HIGH
9 SCHOOL (BAHS), LANA PHILLIPS, AS ASSISTANT PRINCIPAL OF
BAHS, KATWONA WARREN, AS ASSISTANT PRINCIPAL OF BAHS,

10 DEFENDANTS.
11 -----X

12 DATE: April 17, 2012

13 TIME: 10:49 A.M.

14 DEPOSITION of the Plaintiff, EDWARD WEBER,
15 taken by the Defendants, pursuant to a Court Order and to
16 the Federal Rules of Civil Procedure, held at the offices
17 of the New York City Law Department, 100 Church Street, 4th
18 Floor, New York, New York 10007, before Eleanor P. King, a
19 Notary Public of the State of New York.
20
21
22
23
24
25

E. WEBER

1 was getting my education credits. I don't know if I
2 answered your question.

3 Q. What is the process that you have to follow to
4 get your certification to teach chemistry?

5 A. Right, I just have to fulfill the requirements.

6 Q. Was there any kind of test or exam?

7 A. Yes.

8 Q. And do you recall when you took that?

9 A. I don't know the exact dates, probably like
10 around 2004 or 2003.

11 Q. The course work that you were doing, did you do
12 it at night, after school, in the summer, did it vary over
13 time?

14 A. Both, after school and during the summer.

15 Q. To the extent that you recall any of your
16 supervisors with New Beginnings, how were your
17 relationships with them?

18 A. Very good.

19 Q. And then after New Beginnings were you assigned
20 to Brownsville Academy High School?

21 A. Yes.

22 Q. And that was around 2005?

23 A. Yes.

24 Q. Were you assigned there prior to the beginning of
25 that school year or sometime mid-year?

E. WEBER

1 A. Yes, in the beginning of the year. The New
2 Beginnings program that I worked for closed down and we
3 were kind of in a pool of available teachers. And Ms.
4 Nabors who was the principal of Brownsville Academy was
5 very anxious to hire a chemistry teacher, and she went to
6 some lengths to make sure she hired me for Brownsville.

7 Q. Did you have any discussions with her about going
8 to Brownsville?

9 A. She called my house before I was to appear at
10 this meeting and asked my wife what I looked like. She
11 said she wanted to be the first principal to get me.

12 Q. How did she know about you?

13 A. Well, my wife she thought it would be fairly
14 obvious that I would probably be the only one with a black
15 hat, a black coat and a beard.

16 Q. How did Principal Nabors know that you were a
17 teacher that she wanted to bring to Brownsville, how did
18 she know that you existed?

19 A. I guess she read the list and saw that I was
20 certified in chemistry.

21 Q. Do you know if there were any others certified in
22 chemistry?

23 A. I don't know.

24 Q. Did Brownsville have a chemistry program at that
25 time?

E. WEBER

1 stress this sort of Egyptian, some of the graduations they
2 evoke certain Egyptian rituals.

3 Q. When you say "they", I just want to understand
4 who are the "they", that you are referring to other than
5 Principal Nabors?

6 A. Ms. Nabors and some of the teachers that were
7 working there at the time.

8 Q. Do you recall anyone in particular?

9 A. I can't remember.

10 Q. Was Ms. Nabors Egyptian in background, did she
11 come from Egypt?

12 A. No, not that I know of.

13 Q. Was she African-American?

14 A. Yes.

15 Q. How was your relationship with Ms. Nabors, did it
16 change over them?

17 A. It was very good.

18 Q. Did you ever have any problems or issues with her
19 during the time that you worked together?

20 A. Not that I remember.

21 Q. Who have been the Assistant Principals at
22 Brownsville Academy since you have been working?

23 A. Ms. Phillips and what's the other one?

24 Q. Ms. Warren?

25 A. Ms. Warren.

E. WEBER

1 Q. So, that's not necessarily connected with what an
2 aspiring principal is, right?

3 A. No.

4 Q. Do you know how long Ms. Robinson was around at
5 Brownsville Academy before she became the principal?

6 A. I think two years.

7 Q. And how was your relationship with you her during
8 that two-year period, approximate two-year period?

9 A. Was very good.

10 Q. Do you know how old Principal Robinson is?

11 A. Again, I am not very good with judging women's
12 ages.

13 Q. Do you have any conception of whether she is
14 older than you or younger than you?

15 A. I think she is younger than me.

16 Q. Do you think she is a lot younger, a couple of
17 years, what is your feeling?

18 A. I really don't know. It is hard to judge.

19 Q. And is Principal Robinson African-American also?

20 A. Yes.

21 Q. Do you know what her religion is?

22 A. No.

23 Q. Assistant Principal Phillips, do you know how old
24 she is?

25 A. No.

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1 Q. Any concept of whether she is older or younger
2 than you?

3 A. Not really.

4 Q. And how about Ms. Warren?

5 A. I also really don't know how old she is.

6 Q. Do you know what Ms. Phillips' religion is?

7 A. No.

8 Q. Do you know what Ms. Warren's religion is?

9 A. No.

10 Q. Are they also African-American?

11 A. Yes.

12 Q. And also during the time that Ms. Nabors was
13 principal, how was your relationship with Ms. Phillips?

14 A. Not the best.

15 Q. Why do you say that?

16 A. She always had -- she was always very difficult.
17 She was -- I don't know, I can't think of a good adjective
18 to describe her, but she was always rather unpleasant to
19 me.

20 Q. Can you think of any examples of ways that she
21 was unpleasant, things that you can recall?

22 A. You know, I remember her asking me to fulfil
23 certain tasks that didn't really seem to make sense. I
24 remember an incident where she came into my room and
25 started in front of the students and ordering me to change

E. WEBER

1 a lot of the decorations in my room around and she was very
2 unpleasant.

3 Q. Was that during the time that Principal Nabors
4 was the principal?

5 A. Yes, I think at the tail end it became more
6 apparent.

7 Q. At some point I understand that you made some
8 type of a complaint that Assistant Principal Phillips was
9 harassing you?

10 A. Yes.

11 Q. Was it in connection with that incident or other
12 incidents around that time?

13 A. It was connected with that incident.

14 Q. And who did you make the complaint to?

15 A. Ms. Nabors.

16 Q. Do you recall what happened as a result of that
17 complaint, was there a meeting or investigation?

18 A. There was really no serious investigation into it
19 and my charges were basically treated as they were
20 baseless.

21 Q. In what ways did you allege or complain that
22 Ms. Phillips was being harassing towards you?

23 A. I called on the phone and said Ms. Phillips was
24 harassing me.

25 Q. What did you say that she was doing that

E. WEBER

1 Q. So, maybe a short period of time?

2 A. Yes.

3 Q. To the extent that you recall her being there at
4 Ms. Nabors' time, how was your relationship with Ms.
5 Warren?

6 A. I had a good relationship with her.

7 Q. And in the time that you had been at Brownsville
8 how many teachers did that school have, did it increase or
9 decrease over time?

10 A. I think about 20 teachers.

11 Q. Do you know approximately how many total
12 employees they have, are there other administrators besides
13 teachers, how many are there?

14 A. I would guess like 35 all together.

15 Q. So 35, which would include the approximate 20
16 teachers and then whoever else was on the staff?

17 A. Yes, there is a lot staff in the school.

18 Q. And then approximately how many students did that
19 school have?

20 A. I think it was listed or supposed to have 200.

21 Q. And of course that varied from year to year?

22 A. Day-to-day. On a good day 75 kids and different
23 75 kids every day.

24 Q. And so the approximately 20 teachers that were
25 there, did that increase or decrease over the time that you

E. WEBER

1 were there?

2 A. The size stayed the same but different people
3 came and went.

4 Q. Do you know were there other science teachers
5 other than yourself?

6 A. Yes, Mr. Andrews.

7 Q. What subject did Mr. Andrews teach?

8 A. He teaches biology, living environment and what's
9 the crime related --

10 Q. Forensics?

11 A. Yes, and Ms. Phillips also teaches earth science.

12 Q. And Mr. Fosque teaches physics is that science or
13 a different subject?

14 A. No, he was a full-time physics teacher.

15 Q. That was considered a category of science?

16 A. Yes, absolutely.

17 Q. And then was Mr. Andrews there when you joined?

18 A. Yes.

19 Q. To your knowledge is he still there?

20 A. Yes.

21 Q. Do you know how old Mr. Andrews is?

22 A. He is younger than I.

23 Q. Do you have a conception of 20, 30, 40s,
24 approximately?

25 A. Maybe 30s.

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1 she practices?

2 A. I don't think so.

3 Q. So, she doesn't take off for Jewish holidays or
4 anything like that, take off from work?

5 A. No.

6 Q. Then how about the other social studies teacher
7 who you said was not religious, does she need to take time
8 of from work for religious observance?

9 A. No.

10 Q. And Mr. Stark did take religious days off?

11 A. Yes.

12 Q. At some point Principal Robinson became the
13 principal at Brownsville Academy before Ms. Nabors left the
14 school?

15 A. Yes.

16 Q. That might have been around the '07/'08 or
17 '08/'09 period?

18 A. Probably more '08, '09 maybe towards the end of
19 2009, probably yeah.

20 Q. And prior to Ms. Nabors leaving, when she was
21 still the principal did Ms. Robinson evaluate your
22 performance during classroom walk-throughs or observations
23 of you?

24 A. Yes, I believe so.

25 Q. Do you recall what happened with those, do you

E. WEBER

1 recall those?

2 A. She found me to be a very good teacher.

3 Q. And so you received satisfactory evaluation
4 scores?

5 A. Yes.

6 Q. And do you know if Ms. Robinson knew that you are
7 Jewish?

8 A. Yes, it's pretty obvious.

9 Q. Do you think she always knew that you were
10 Jewish?

11 A. Yes.

12 Q. What about Ms. Nabors as well?

13 A. Yes.

14 Q. How about Ms. Phillips?

15 A. Yes.

16 Q. Same with Ms. Warren?

17 A. Yes.

18 Q. And then after Ms. Robinson became the principal,
19 I think around the end of '08, the beginning of '09?

20 A. I am thinking, I don't really remember exactly, I
21 am thinking the end of 2009.

22 Q. The last year that Ms. Nabors was principal you
23 also received a satisfactory performance evaluation; is
24 that correct?

25 A. Yes. I think I received a satisfactory from

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1 Robinson on her first year, I think.

2 MS. MCNALLY: Can you mark this.

3 (Whereupon, the aforementioned document was
4 marked as Defendants' Exhibit A for
5 identification as of this date by the Reporter.)

6 Q. Take your time to look over it and let me know
7 when you are ready to go forward with the questions.

8 A. Okay. Could I take a short break?

9 MS. MCNALLY: Sure.

10 (Whereupon, a short recess was taken from
11 11:55 to 11:58.)

12 MS. MCNALLY: Back on the record.

13 Q. Have you had a chance to review that document?

14 A. Yes.

15 Q. Is this the document that you've seen before?

16 A. Yes.

17 Q. And is this a performance evaluation that you
18 received to as the 2005/2006 school year?

19 A. Yes.

20 Q. As far as you can tell is this a true and
21 accurate copy of that evaluation?

22 A. Yes.

23 Q. Was it Ms. Nabors who evaluated your performance
24 on this occasion?

25 A. Yes.

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1 Q. And it looks like for every category on the
2 evaluation sheet she checked the box for satisfactory; is
3 that right?

4 A. Yes.

5 Q. And the overall evaluation is S for satisfactory?

6 A. Yes.

7 Q. And do you recall receiving this around June 20,
8 2006, which is when it was dated?

9 A. I don't really recall, but yes.

10 Q. That's your signature at the bottom?

11 A. Yes.

12 Q. Was there anything about this evaluation that you
13 disagreed with for any reason?

14 A. No.

15 MS. MCNALLY: Can you mark this, please.

16 (Whereupon, the aforementioned document was
17 marked as Defendants' Exhibit B for
18 identification as of this date by the Reporter.)

19 Q. Let me show you what has been marked as Exhibit B
20 and let me know when you have had a chance to review that.

21 A. It looks good.

22 Q. So, similar question to the last one. Do you
23 recognize if this is the performance evaluation that you
24 received for the 2006/2007 school year?

25 A. Yes.

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1 Q. As far as you can tell is this an accurate entry
2 and an accurate copy of that evaluation?

3 A. Yes.

4 Q. Do you recall receiving it around June 2007?

5 A. Yes.

6 Q. Is that your signature at the bottom?

7 A. Yes.

8 Q. Similar to the other one it looks like Ms. Nabors
9 was the person who evaluated that; is that right?

10 A. Yes.

11 Q. And she put satisfactory for every category and
12 also for the overall score, correct?

13 A. Yes.

14 Q. Is there anything about this evaluation that you
15 disagree with for any reason?

16 A. No.

17 MS. MCNALLY: Can you mark this, please.

18 (Whereupon, the aforementioned document was
19 marked as Defendants' Exhibit C for
20 identification as of this date by the Reporter.)

21 Q. Mr. Weber, I am showing you Defendants' Exhibit
22 C, and this is a copy for Mr. Glass. Same as with the last
23 one let me know when you are ready to move forward.

24 A. Okay.

25 Q. Do you recognize this document, have you seen it

E. WEBER

1 before?

2 A. Yes.

3 Q. Is this a copy of your annual performance
4 appraisal for the 2007/2008 school year?

5 A. Yes.

6 Q. As far as you can tell is it a true and accurate
7 copy of that appraisal?

8 A. Yes.

9 Q. Was Ms. Nabors the person who evaluated you this
10 time as well?

11 A. Yes.

12 Q. It looks like you receive a satisfactory overall
13 evaluation score; is that correct?

14 A. Yes.

15 Q. It appears than one this one she didn't fill out
16 any of the specific categories, she didn't check anything
17 one way or the other; is that right?

18 A. Correct.

19 Q. Do you have any understanding or knowledge of why
20 she didn't do that?

21 A. I think it was just assumed that I got all
22 satisfactory.

23 Q. And did you have anything about this evaluation
24 that you disagree with for any reason?

25 A. No.

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1 Q. Is this your signature at the bottom here as
2 well?

3 A. Yes.

4 MS. MCNALLY: Can you mark this.

5 (Whereupon, the aforementioned document was
6 marked as Defendants' Exhibit D for
7 identification as of this date by the Reporter.)

8 Q. Mr. Weber, do you recognize this document is it
9 something that you have seen before?

10 A. Yes.

11 Q. Is this the performance evaluation that you
12 received for the 2008/2009 school year?

13 A. Yes.

14 Q. And this one it appears, tell me if I am wrong,
15 to have been signed by Principal Robinson?

16 A. Yes.

17 Q. Does that refresh your memory at all to the
18 school year that she started being the principal?

19 A. Yes, it would have been 2009.

20 Q. Did she start in middle of the year or would she
21 have started in September of 2008 at the beginning of the
22 school year?

23 A. No, I think she did start in the middle of the
24 year. It was the middle of the year as I recall.

25 Q. Is this your signature at the bottom on this

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1 document as acknowledging receipt?

2 A. Yes.

3 Q. You received overall evaluation of satisfactory
4 on this one too?

5 A. Yes.

6 Q. Similar to the last one, there is a column of
7 check boxes for satisfactory and unsatisfactory for the
8 each of the categories and none of them are checked; is
9 that correct?

10 A. Yes.

11 Q. And same question as with regard to the last
12 ratings, do you have any understanding as to why none of
13 them were checked?

14 A. Yes, I assume that they all were satisfactory.

15 Q. Do you understand that to violate any rules or
16 procedures or anything like that, to not check each box one
17 way or the other?

18 A. I think they do that sometimes.

19 Q. Did you have any issue with that?

20 A. No, it was understood.

21 Q. And is there anything about this performance
22 evaluation that you disagree with for any reason?

23 A. No, no.

24 MS. MCNALLY: Can you mark this, please.

25 (Whereupon, the aforementioned documents

E. WEBER

1 were marked as Defendants' Exhibits E and F for
2 identification as of this date by the Reporter.)

3 Q. Take your time and just so you know I was trying
4 to save paper, so these are all double sided but with the
5 previous one that we have looked at, if there is anything
6 printed on the other side I don't think that anyone filled
7 anything out. In other words, there was no reason for them
8 to fill out the reverse side of the evaluation, just
9 something to be aware of. The Exhibits that I show you are
10 going to be double-sided today.

11 A. Okay.

12 Q. Have you seen this document before?

13 A. Yes.

14 Q. Is this the performance evaluation that you
15 receive for the 2009/2010 school year?

16 A. Yes.

17 Q. And this evaluation, can you tell whether it was
18 signed by Principal Robinson?

19 A. Yes.

20 Q. And do you recall if it was around in June of
21 2010?

22 A. Yes. But I have to say I don't remember them
23 having filled out the back. I don't remember having
24 receiving the second page at that time.

25 Q. So, you recall receiving the first page, but you

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1 unsatisfactory column for different categories; is that
2 right?

3 A. Yes.

4 Q. And then there are several categories that have
5 no checked box one way or the other, do you have any
6 understanding of why that is?

7 A. I would assume it was satisfactory, I don't know
8 why they didn't check them.

9 Q. And I know that there is a lot written on here,
10 we will get into detail with that later. For now, I just
11 want to go through and make sure we are on the same pages,
12 that these are the evaluations that you received and we can
13 go back to them if we need to later.

14 So this is the last one, this is marked as
15 Exhibit F, this one has two sides as well.

16 A. Quite a dramatic change from --

17 Q. From '08 to '09?

18 A. Yes.

19 Q. With respect to this one, do you recognize this
20 as the performance evaluation that you receive for the
21 2010/2011 school year?

22 A. I do, but I should say that I did refuse to sign
23 this.

24 Q. So, you are referring to the bottom there is a
25 second that says acknowledgement by employee but he refuses

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1 with me. It was given to me in the elevator.

2 Q. Was Ms. Ingradi on her way to your classroom to
3 give it you?

4 A. She was trying to find me. I don't know. I
5 don't know.

6 Q. She wasn't waiting for you in the elevator, did
7 you run into her by chance in the elevator?

8 A. I don't really recall.

9 Q. Did you know if in this school year 2010/2011
10 were other teachers brought into meetings to discuss their
11 performance evaluation?

12 A. I don't really know.

13 Q. In the previous years, I know you recall having
14 meetings for your performance evaluation, are you aware if
15 other teachers had meetings as well?

16 A. I believe so.

17 Q. So, understanding that this copy doesn't have
18 your signature on it, but you do recall receiving a rating
19 for this year, to the best of your knowledge is this a true
20 and accurate copy of the rating that you were given for
21 that year?

22 A. Yes.

23 Q. Similar to the previous year, she has some
24 checkmarks in the U column all for different categories and
25 some that are unchecked, similar to those previous years,

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1 A. Yes.

2 Q. So, I think you said before that when
3 Ms. Nabors was principal your relationship with Principal
4 Robinson was pretty okay?

5 A. Yes.

6 Q. And then somewhat not okay with Ms. Phillips, you
7 had some issues with her?

8 A. Yes.

9 Q. Once Ms Nabors left and Ms. Robinson became the
10 principal did you relationship with Ms. Robinson change at
11 all when she became the principal?

12 A. Yes.

13 Q. And approximately when did that change?

14 A. I think it was the beginning of 2010.

15 Q. What change did you perceive?

16 A. They just started going after me.

17 Q. By they, are you including Ms. Robinson, Ms.
18 Warren and Ms. Phillips, all three of them?

19 A. Yes, the three of them.

20 Q. Do you have any understanding or belief as to why
21 your relationship with the three of them changed?

22 A. No.

23 Q. Prior to the 2009/2010 school year, which is the
24 first year that you received the unsatisfactory rating and
25 evaluation, in the years prior even though you received a

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1 A. I don't.

2 Q. So, other than the fact that Mr. Jenkins doesn't
3 necessarily have a background or knowledge of science or
4 chemistry, did you have any other problems or issues with
5 him coming and helping you?

6 A. No.

7 Q. Your relationship with him was good?

8 A. Yes.

9 Q. Was there any other, again I think feedback is a
10 good word, did you receive any other feedback on your
11 teaching skills during the time that Ms. Nabors was
12 principal?

13 A. I don't remember any specific feedback.

14 Q. And then how about in the first year that Ms.
15 Robinson was principal, do you recall receiving any
16 feedback?

17 A. No.

18 Q. So, you had said earlier that your relationship
19 with the three administrators of the school had changed
20 around the beginning of 2010, is that the time period that
21 you recall beginning to receive some negative feedback or
22 criticism for the first time?

23 A. Yes.

24 Q. What was the first event that happened in that
25 regard?

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1 A. Just looking like around April of 2010. I see
2 even in February of 2010, they just started going after me.

3 Q. What happened in February of 2010, did you have a
4 walk-through, an observation or some kind of conversation
5 or meeting?

6 A. I think it was a formal observation.

7 Q. Is there a policy, practice or procedure for a
8 formal observation to be given each year to a teacher?

9 A. I am not aware of the regular regulations.

10 Q. In your time as a teacher at Brownsville Academy
11 High School, do you recall how many formal observations you
12 received each year?

13 A. What I remember is what I can think of, I think
14 there were four a year, something like that.

15 Q. Four formal observations, or would that be like a
16 combination of formal and an informal walk thorough and
17 observation?

18 A. Towards the end of these last two years, there
19 was at least four observations per year as I recall.

20 Q. And the years prior to that, you don't recall how
21 many there were?

22 A. No, I don't remember.

23 Q. So, in February of 2010, was the first
24 walk-through or observation that you had that school year,
25 do you recall?

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1 technology?

2 A. No, in fact I was able to purchase an exhaust
3 hood for my chemistry lab and it was never hooked up. Even
4 the art teacher had something, had a kiln put in. I assume
5 that also had some kind of a exhaust thing and it was
6 hooked up right away, she was a young teacher.

7 Q. And do you consider the exhaust hood within the
8 category of technology?

9 A. I don't know. I mean no, I mean no and yes. I
10 mean yes, it is a piece of technology, and no it's
11 different from a computer.

12 Q. And going back to 2005, you testified that you
13 had a new computer that Ms. Nabors gave you. Do you know
14 what other teachers had access to in their classrooms, did
15 everyone have a new computer or just some people?

16 A. Everyone had a new computer, but the difference
17 is, some I think at that point some teachers might have had
18 more than one computer.

19 Q. Do you know what circumstances would be that a
20 teacher having more than one?

21 A. I am not sure.

22 Q. Do you know if it would depend on their class
23 size or what could be their subject area?

24 A. I am not sure, going back there at that time I
25 don't really recall so well. I just remember specifically

E. WEBER

1 when Ms. Robinson was principal, that I was continuously
2 asking for laptops and computers, and never received any
3 laptops, even though there were computers all over the
4 building.

5 Q. So, the computer that you had from 2005 that was
6 a desktop computer not a laptop?

7 A. Yes, desktop.

8 Q. And so starting from 2005 to the extent that you
9 know, everyone had a laptop computer?

10 A. Yes. At least one maybe more.

11 Q. What is a smartboard, you mention a smartboard
12 and I don't exactly know what that is, they did not have
13 that when I was in school?

14 A. A smartboard it basically just a way to show
15 what's on the computer to publically display what's on the
16 computer.

17 Q. Like an overhead type of projector?

18 A. It's like in place of a chalkboard. And you can
19 also write on it and you can also save your writing. It's
20 a very neat little tool.

21 Q. So, it's at the front of the room where the
22 chalkboard normally is, how big is it?

23 A. It's maybe I am thinking five by eight, something
24 like that.

25 Q. So, that displays what's on the desktop computer,

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1 whatever it had been. Why did they need to call my house
2 and harass me, that's the first question, and then when I
3 got back to the school they had subsequent meetings and I
4 told them, look I told you I sent an e-mail, I talked to
5 the attendance secretary I was taking off for Savalas, and
6 Mr. Stark was there at that time and he took Savalas. Was
7 that 2010?

8 Q. This was filed in November of 2010, or was it
9 something that happened shortly before that or was it
10 something that happened preceding the school year?

11 A. I know that I had problems with Savalas one year
12 and they called my house. I know what it was, it wasn't
13 Savalas it was Sukkot, Sukkot of that year it probably took
14 place in either the end of September or sometime in
15 October. There were a two-day holiday, Sukkot, that
16 Mr. Stark also took off for. They knew it was a Jewish
17 holiday they knew Orthodox, Hasidic Jews weren't coming in
18 that day. Why did she call my house and try to get me to
19 use the phone which would be a violation of the Jewish law
20 and secondly, why did they harass me continually? There
21 were two meetings when I came back there, were two meetings
22 about it. Later on it was put in my file for taking off
23 for a Jewish holiday.

24 Q. Was it Ms. Ingradi who left you the message?

25 A. Yes.

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1 Q. What did she say?

2 A. I know it's a Jewish holiday, that's what I
3 recall, I wrote it down somewhere, I do have a record of
4 it. But she said, basically I know it's a Jewish holiday
5 but you must call the school right away. We have to know
6 what's going on.

7 Q. Did she say anything in the voicemail as to why
8 you needed to call or was there some emergency?

9 A. No.

10 Q. And then the meetings, so do you recall what day
11 of the week it would have been?

12 A. No, but I probably have it written down
13 somewhere.

14 Q. When you returned to the next working day to the
15 school, what happened then?

16 A. I don't know if it was that day, then later they
17 give me a letter and I was supposed to meet with the
18 principal and she told me that they didn't have, that I
19 couldn't take off for the holiday or something like this.
20 She had a problem with me taking off.

21 Q. Did she tell you that they didn't have a record
22 of your advance notice that you needed to take the day off?

23 A. She might have said something like that. I don't
24 see how she could have said that, I told the attendance
25 teacher and Mr. Stark was taking off. Also, I had sent her

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1 for take two days off.

2 Q. In 3020a charges, were the charges relating to
3 taking time off for religious observance?

4 A. No.

5 Q. Did they mark down those dates for religious
6 observance on your attendance sheet?

7 A. I did with Ms. Ingradi, yes.

8 Q. Were those counted against any of your leave
9 balances or your sick days?

10 A. I don't think so. You were penalized financially
11 for taking religious days but that's a Department of
12 Education issue.

13 Q. So they are unpaid if you take them off?

14 A. Like half pay or something.

15 Q. Have there been any occasions where there was a
16 Jewish holiday where you were not permitted to work by
17 Jewish law that you were not permitted to take those days
18 off by the school?

19 A. No.

20 Q. And then with regard to the other time that you
21 requested to take off a day based on Sukkot and Passover,
22 do you recall when that was?

23 A. I am thinking it was February of 2010.

24 Q. Is it was before the State Division of Human
25 Rights?

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1 Q. Are there any other incidents or instances of
2 harassment that you experienced during this 2009/2010
3 school year?

4 A. Yes, in a way they made up this whole incident
5 that took place, supposedly took place in my classroom.
6 Where I was doing a coverage, I was doing them a favor and
7 I never received a class list for the coverage. Apparently
8 some kids were in the class that were not part of the
9 classroom, and an alleged robbery, an alleged theft took
10 place. I didn't have awareness of it at the time. They
11 claimed that somebody stole money from another student and
12 the next day in another part of the school completely out
13 of my awareness entirely, there was a fight between these
14 two students and the principal, Assistant Principal Ms.
15 Warren got in the way and she was injured. You are not
16 supposed to do this, this is the basic Department of
17 Education to break up the fight. I was blamed. Here I was
18 trying to do a favor during a coverage, they blame the
19 fight on the observation that we saw before. Here I think
20 they had disciplinary letter. I think it was one dated
21 5/3/2010 they list it like five times on my observation, on
22 my final observation report, where it was like a
23 non-incident that I didn't even know about.

24 Q. What does it mean to do a coverage?

25 A. In those days, things changed quite a bit at

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1 Brownsville Academy from month to month, but in those days,
2 if a teacher was absent another teacher could cover for
3 that teacher. Take their class students into their
4 classroom. So, I guess I was called earlier today and I
5 reached into a coverage and some kids came in my class and
6 they were fairly well behaved and that was it. And then
7 the next thing I know I have a letter in my file alleging
8 that a theft occurred and that because of this theft a
9 fight that I never even saw and I was somehow responsible
10 for this. This was the kind of harassment.

11 Q. When you do a coverage I think you were saying
12 that you didn't receive a class roster?

13 A. Right.

14 Q. Would you normally have received a class roster?

15 A. They didn't give out class rosters normally. But
16 there was certainly not one at that time.

17 Q. Did you have a normal practice when you did a
18 coverage, when you do a coverage how do you know who is
19 supposed to be sitting there?

20 A. Usually you have the kids write down their names
21 on a sheet of paper, as far as who was supposed to be
22 sitting. That's you know, unless they give a class list it
23 is kind of out of my jurisdiction. By the way, a few days
24 later I called Ms. Ingradi to see if even if I wanted a
25 class list if I could get one and I ask her for a class

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1 Division of Human Rights?

2 A. I think there was a response, but I don't feel my
3 allegations were really addressed. I think instead of
4 addressing it they try to make me out to be a racist. So
5 the retaliation to me calling them racist, they decide to
6 call me a racist.

7 Q. Do you know when this OEO -- is that the Office
8 of Equal Opportunity within the DOE?

9 A. Yes.

10 Q. And who you do believe filed that complaint?

11 A. Ms. Robinson.

12 Q. What's the basis for your belief that
13 Ms. Robinson filed that complaint?

14 A. The response first of all came right after I
15 filed this. It came in December or January they filed the
16 OEO thing. It was all based on interviews of the students
17 in the building at the time.

18 Q. Are you aware of whether a parent wrote the
19 letter complaining?

20 A. Apparently a letter was produced from the
21 parents, but I believe this was all orchestrated by Ms.
22 Robinson and the other two principals.

23 Q. How did you believe they orchestrated the parents
24 to file a complaint?

25 A. I don't know about that. But I mean the original

E. WEBER

1 complaints were recorded by Mr. Rank, who I think it was a
2 -- this is a thing that came from school. It was a
3 retaliation to my suit.

4 Q. Are you aware of a parents lodging a complaint of
5 any kind?

6 A. I am aware that there was a letter from the
7 parent. The letter was from one of the students in the
8 class. This all happened -- the timing of it was such a
9 matter of a very nice relationship and all of a sudden
10 somebody put these kids up to do these things.

11 Q. So you believe that either Principal Robinson or
12 one of the assistant principals asked the students to lie?

13 A. Yes.

14 Q. What makes you believe that?

15 A. Based on the letters, because the letters were
16 lies.

17 Q. Did the office of Equal Employment Opportunity
18 investigate the complaint?

19 A. Yes.

20 Q. Were you interviewed as part of the
21 investigation?

22 A. Yes.

23 Q. Who did you meet with, who were you interviewed
24 by?

25 A. I believe her name was Nikki.

E. WEBER

1 A. Because Mr. Rank was responsible or at least
2 recorded the student accusations, the racial accusations
3 against me and he also was partnered in the sort of
4 mis-scheduling of my students and it seemed to me
5 purposeful irresponsible scheduling of the students,
6 setting them up for failure. And Ms. Ramsawak because she
7 never really acted as a lead teacher, and was more
8 interested in destroying my career than in helping me.

9 Q. Why do you think she was interested in that?

10 A. Because she repeatedly stood me up and never
11 showed up for professional development time and never
12 offered me any help.

13 Q. Do you think that she deliberately wanted to
14 damage your career, or do you think that was not good at
15 what she was supposed to be doing?

16 A. I don't know, I don't know. It's hard to say.

17 Q. Do you have an opinion?

18 A. Not really.

19 Q. Do you believe any of the actions that you just
20 told me Kevin Rank did were taken because of your age that
21 Kevin Rank was motivated by your age in doing those things?

22 A. I think that this was part of the retaliation
23 because of the timing of it. Could be age and religion
24 based, he did make some comments, you know little comments
25 during the year, kind of jokes about my religion, but the

E. WEBER

1 main reason was that I included him was the fact that he
2 was responsible for the recording of the abuse accusations
3 against me.

4 Q. Do you think that he solicited students to write
5 things about you that were false?

6 A. Somebody did.

7 Q. Do you know if he did?

8 A. I don't know, I think they do most things
9 together. That's why I have to believe that it was a group
10 effort.

11 Q. What kind of things did he say about your
12 religion?

13 A. He would just sort of joke that it is Kosher
14 because he blessed it, you know just joking around, but it
15 wasn't always so friendly.

16 Q. What else did he say, any other type of comments
17 about your religion?

18 A. I can't think of anything offhand. I have to
19 think about that.

20 Q. When he said to you, it's Kosher, did he say that
21 to you on one occasion or more than on occasion?

22 A. More than one occasion.

23 Q. Would he be unfriendly or was he joking?

24 A. He was joking, but it is not a funny joke after
25 the 100th time.

E. WEBER

1 happened that led you to know that she knew about the
2 charge?

3 A. Just all this retaliation and the fact that
4 immediately after getting such a glowing feedback on my
5 observation that I basically never heard about it again.
6 It was never written up. All these accusations against me,
7 so I assume that these are retaliations.

8 Q. Did Ms. Robinson mention your State Division of
9 Human Rights charge to you?

10 A. I don't think so.

11 Q. What about Ms. Warren or Ms. Phillips?

12 A. No.

13 Q. Did anyone at school mention to that you the fact
14 that you had filed that State Division charge?

15 A. No, not that I can remember.

16 Q. Did anybody ever say anything to you that implied
17 that they were aware of complaints that you made?

18 A. Yes, Rank did make some comments about you know,
19 that he was implying that I was some sort of troublemaker
20 in some way. I assume that he might have known something
21 about this.

22 Q. So, what were his exact comments, did he use the
23 word troublemaker?

24 A. I remember the comment, but I don't remember the
25 specific comment. I remember he made some comments about

E. WEBER

1 me making things difficult for them.

2 Q. What do you think he was referring to?

3 A. I think he was referring to the suit.

4 Q. Does Mr. Rank have any supervisory authority over
5 you?

6 A. Only that he scheduled all my classes.

7 Q. He doesn't do any observations or walk-throughs?

8 A. No.

9 Q. He doesn't perform any evaluations?

10 A. No.

11 Q. What about Ms. Ramsawak?

12 A. No, she didn't participate in observations.

13 Q. Did she participate in performance evaluations at
14 the end the year?

15 A. You mean the written the final, no except that
16 she was part of the observation reports along the way.

17 Q. Did Ms. Ramsawak do anything that affected your
18 job duties and responsibilities or your compensation or
19 benefits?

20 A. No, except that she, you know, she probably
21 helped assessment of unsatisfactory teachers which directly
22 caused me to lose a lot of extra work.

23 Q. You said before that once you got the U rating
24 that you were not able to do extra work?

25 A. I couldn't get extra work.

E. WEBER

1 Q. Wouldn't you have already been in the Leadership
2 Academy as aspiring principal, or do I have the order of
3 events wrong?

4 A. I think was an aspiring principal and then she
5 went to Leadership. I'm not sure how that happens. I was
6 told that you can't be a principal without two years of
7 teaching experience, but apparently in her case that wasn't
8 true.

9 Q. How does one become an aspiring principal, do you
10 know?

11 A. I don't really know, that I know that you do it
12 by going straight to the Leadership Academy. But I thought
13 they needed a minimum of three years teaching experience.
14 I don't know how Ms. Robinson got to circumvent that
15 requirement.

16 Q. Do you know if that requirement is in some sort
17 of writing?

18 A. Probably.

19 Q. In Paragraph 34, you alleged that you were told
20 on repeated occasions by Defendant that he does not
21 understand technology. This is the paragraph where the
22 word white board was used, what I was discussing with you
23 earlier. Tell me about the occasions on which you were
24 told that you did not understand technology, who told you
25 that and approximately when?

E. WEBER

1 A. I am not sure who was in the written
2 observations, but it was clear that they did not think
3 because of my age I was capable of using technology. They
4 considered me like a old fuddy duddy or something. Which
5 is clearly not the case, when I worked with Mr. Stark I was
6 able to master, regain some mastery. Technology is not
7 that big a deal.

8 Q. Did Principal Robinson ever have a discussion
9 with you where she told you that you do not understand
10 technology?

11 A. I remember she made comments, Mr. Weber it is not
12 for him or something like that.

13 Q. In your presence?

14 A. Yes.

15 Q. What did she say?

16 A. I can't remember exactly, I seem to remember that
17 she would kind of, you know, remark the Mr. Weber couldn't,
18 you know, there might even be innuendoes in that in the
19 observations reports, I have to check. I remember noting
20 that it was sort of considered that I would not have the
21 ability to because of my age to deal with technology.

22 Q. To the extent that those things would be in
23 writing, do you believe that it would be in the observation
24 report?

25 A. I don't know, it's possible but I know for sure

E. WEBER

1 A. Just like either the day or three days right
2 before Yom Kippor.

3 Q. Do you know who makes the decision of when to
4 serve charges?

5 A. I don't know.

6 Q. In paragraph 28, two paragraphs down, you were
7 denied Kosher food at mandatory staff functions, even
8 though it was available and despite your repeated requests
9 for it while accommodations are made for non-Jewish
10 teachers. Tell me about any occasions in which you were
11 denied Kosher foods.

12 A. All occasions. I mean whenever they had food for
13 the staff they never included me. They never got Kosher
14 food even though the food is close to Crown Heights. They
15 could have gotten Kosher food at any time. I think I even
16 ask one of the caterers once, could you get Kosher food and
17 he said, of course.

18 Q. Do you believe that the school is supposed to
19 give you Kosher food before you ask for it or do you
20 believe you are supposed to request it?

21 A. I asked for it. Even on one instance during a
22 parent-teacher meeting when all the staff was fed, I asked
23 for Kosher food and they said go out and buy Kosher food,
24 we will pay you back. I went out for the Kosher food and
25 they told me that they weren't going to pay for it.

E. WEBER

1 Q. Who is they, who told you that?

2 A. I think Ms. Robinson.

3 Q. Did she give you a reason why?

4 A. No.

5 Q. When you say that you would request Kosher food,
6 did you show up at a meeting and then ask for Kosher food,
7 or did you request it in advance when you knew there would
8 be a meeting with food?

9 A. I mean it's just a common courtesy. There is an
10 union of Orthodox teachers, and I asked them about it and
11 they said, yes, if they give food to non-Jewish teachers,
12 they should also give you. If you were having a party and
13 wouldn't you want all your guest to be.

14 Q. But I would, but if I was having a party I
15 wouldn't bring Kosher food unless you asked me.

16 A. I think they were well aware of the fact that I
17 only eat Kosher food.

18 Q. And did you have any discussions with them about
19 that?

20 A. Yes.

21 Q. And were there any other occasions on which you
22 alleged that you asked for Kosher food and it was denied to
23 you?

24 A. I can't remember specific ones, but it's quite
25 possible. I know that I had mentioned to different people.

E. WEBER

1 Q. During the time that you worked at Brownsville
2 Academy High School, did you ever hear any of your
3 coworkers use any age related, negative, derogatory term or
4 language of any kind?

5 A. No.

6 Q. Have you ever heard any of the assistant
7 principals or the administrative staff use any age related
8 derogatory terms?

9 A. Not that I remember.

10 Q. And then how about with regards to any religion
11 related or derogatory terms relating to being Jewish, have
12 you ever heard any coworkers or supervisory people using
13 language like that?

14 A. Not that I remember.

15 MR. GLASS: He testified to some things
16 earlier about that.

17 Q. I recall you testified that Mr. Rank --

18 A. Yes, Mr. Rank would make jokes, yes.

19

20

21 (Continued on next page to include jurat.)

22

23

24

25

E. WEBER

1 Q. I am kind of more specifically looking for
2 comments of more of a negative nature. Was there anything
3 else other than Mr. Rank saying Kosher from time to time
4 that was related to your religion that people would make?

5 A. I can't really think of anything offhand.

6 MS. MCNALLY: We can end for today. Thank
7 you.

8 (Whereupon, at 4:30 P.M., the examination of
9 this witness was concluded.)

10

11

12

EDWARD WEBER

13

14 Subscribed and sworn to before me

15 this ____ day of _____ 20__.

16

17

18

NOTARY PUBLIC

19

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EXHIBIT C

LE 1

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

3 -----X
4 EDWARD WEBER,

5 PLAINTIFF,

6 -against- Case No:
7 11-CV-5083 (MKB) (CPL)

8 CITY OF NEW YORK, NEW YORK CITY DEPARTMENT OF EDUCATION,
9 LASHAWN ROBINSON, AS PRINCIPAL OF BROWNSVILLE ACADEMY HIGH
10 SCHOOL (BAHS), LANA PHILLIPS, AS ASSISTANT PRINCIPAL OF
11 BAHS, KATWONA WARREN, AS ASSISTANT PRINCIPAL OF BAHS,

12 DEFENDANTS.

13 -----X

14 DATE: May 22, 2012

15 TIME: 11:42 A.M.

16 CONTINUED DEPOSITION of the Plaintiff,
17 EDWARD WEBER, taken by the Defendants, pursuant to a Court
18 Order and to the Federal Rules of Civil Procedure, held at
19 the offices of the New York City Law Department, 100 Church
20 Street, 4th Floor, New York, New York 10007, before Eleanor
21 P. King, a Notary Public of the State of New York.

22
23
24
25
DIAMOND REPORTING (718) 624-7200 info@diamondreporting.com

E. WEBER

1 don't remember.

2 Q. You were there were with your union
3 representative; is that correct?

4 A. Yes.

5 Q. And Principal Robinson was present by phone?

6 A. Yes.

7 Q. And what about Assistant Principals Warren and
8 Phillips, were they present either there in person or on
9 the phone?

10 A. Phillips I know was there and I think Warren was
11 also there, but I don't remember exactly.

12 Q. Was there anyone else other than those people and
13 the arbitrator himself?

14 A. My union rep.

15 Q. Did the arbitrator have the tape recorder in
16 close proximity to him the entire time?

17 A. Yes, he was controlling the tape.

18 Q. Did you happen to notice during the proceedings
19 him pressing any buttons on it after he pressed record?

20 A. I remember he turned it off a couple of times,
21 but that's, you know there was something, a break in the
22 proceedings when he turned it off. I am not sure, but yes,
23 he did control the tape.

24 Q. When you say "a break in proceedings", meaning,
25 everyone took a break and got up for a second and stopped?

E. WEBER

1 retaliated against me, but they never said let's have a
2 meeting, what you do mean, are you being discriminated
3 against. I mean, yeah as far as I know there was no
4 investigation.

5 Q. Do you know whether anyone at the DOE provided a
6 response to the State Division of Human Rights in response
7 to your complaint?

8 A. I did get some kind of a packet from the DOE. It
9 was mostly observation reports and these allegations from
10 students against me, but as far as I was concerned they
11 never really dealt with explaining to me why they were
12 treating me this way.

13 Q. We talked a little bit the last time about income
14 that you believe that you lost as a result of the U rating.
15 So I want to go into that detail today.

16 A. I would like to mention one more thing. At the
17 3020a Ms. Robinson accused me of putting a curse on her,
18 which to me is incredibly racist. That Jewish people sit
19 around putting curses on people. This is outrageously
20 racist to me. She blamed me for burning her house down
21 basically. She said I put a curse on her and her house
22 burned down she was in two car accidents. To me this was
23 blatant racism.

24 Q. What was the basis for Ms. Robinson stating that
25 you had put a curse on her, what evidence did she have?

E. WEBER

1 A. I once made a joke to the secretary about all the
2 complaints I was getting. I jokingly with a wink, wink and
3 a nod, I said, maybe I should put a curse on her just as a
4 joke. This woman, I sort of knew her for a couple of
5 years, she also had a Jewish background. It was a joke and
6 the next thing I know that there was a letter in my file
7 claiming that I was threatening to put a curse on the
8 principal.

9 Q. Was this Ms. Ingradi the secretary that you are
10 referring to?

11 A. Yes.

12 Q. Was there anything else that you wanted to say
13 about that?

14 A. No. But to blame me because her house burned
15 down and she was in two car accidents to me is outrageous,
16 you know Jewish hatred or a misunderstanding or something.
17 It is not necessary.

18 Q. As a result of any of the actions that you
19 alleged Defendants took against you in the lawsuit, what
20 income have you lost?

21 A. I lost my Tile 1 after-school job, I did not get
22 any per session work and I wasn't able to work summer
23 school.

24 Q. Did we discuss all these the last time? I
25 believe you told me the dollars amounts that you believe

EXHIBIT D

ORIGINAL

1

2

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

3

-----X
EDWARD WEBER,

4

PLAINTIFF,

5

6

-against-

Case No:
11-CV-5083 (MKB) (CPL)

7

8

CITY OF NEW YORK, NEW YORK CITY DEPARTMENT
OF EDUCATION, LASHAWN ROBINSON, AS
PRINCIPAL OF BROWNSVILLE ACADEMY HIGH
SCHOOL (BAHS), LANA PHILLIPS, AS ASSISTANT
PRINCIPAL OF BAHS, KATWONA WARREN, AS
ASSISTANT PRINCIPAL OF BAHS,

10

11

DEFENDANTS.

12

13

-----X

14

DATE: May 30, 2012

15

TIME: 1:10 P.M.

16

17

DEPOSITION of the Defendant,

18

LASHAWN ROBINSON, taken by the Plaintiff,

19

pursuant to a Court Order and to the

20

Federal Rules of Civil Procedure, held at

21

the offices of the New York City Law

22

Department, 100 Church Street, 4th Floor,

23

New York, New York 10007, before Eleanor P.

24

King, a Notary Public of the State of New

25

York.

1 L. ROBINSON

2 MS. MCNALLY: It's standard
3 more for Plaintiff.

4 A. I was a victim of identity
5 theft so I don't give out my Social.

6 MS. MCNALLY: We redact that
7 information from documents that we
8 produce.

9 MR. GLASS: Reserve my rights
10 if I need it.

11 Q. What is your educational
12 background?

13 A. I received my Master's degree
14 in social welfare.

15 Q. What school did you get your
16 Master's from?

17 A. Hunter College School of Social
18 Work.

19 Q. What year did you get that?

20 A. '98.

21 Q. Were you working for the DOE at
22 that time?

23 A. No.

24 Q. So, you have a social work
25 degree?

1 L. ROBINSON

2 A. I have a social welfare degree.

3 Q. Is that a CSW?

4 A. MSW.

5 Q. What else do you have?

6 A. I have my educational
7 administrative certification from the
8 College of Saint Rose.

9 Q. What year did you get that?

10 A. I don't have that exact year,
11 but I can get that information for you.

12 Q. Was it before or after --

13 A. That was after.

14 Q. Were you working for the DOE at
15 that time?

16 A. Yes.

17 Q. How long did it take to
18 complete that program?

19 A. I would say about a year to
20 complete, a little over a year.

21 Q. Did you get recommended by
22 someone at the DOE for that program?

23 A. Yes.

24 Q. Who was that?

25 A. The superintendent, Bernard

1 L. ROBINSON

2 principal at the DOE.

3 Q. She was in the system at that
4 point?

5 A. Right, Ms. Phillips and
6 Ms. Warren were both hired by Ms. Nabors.

7 Q. Where did you go to high
8 school?

9 A. Brooklyn Tech.

10 Q. Are you from the City
11 originally?

12 A. Yes.

13 Q. Have you been a defendant in
14 any lawsuits besides this one?

15 A. No.

16 Q. Have you ever been a plaintiff
17 in a lawsuit?

18 A. No.

19 Q. Have you ever sued the DOE, the
20 Department of Education?

21 A. No.

22 Q. Have you ever testified under
23 oath before?

24 A. Yes.

25 Q. In what context?

1 L. ROBINSON

2 A. No.

3 Q. Have you ever been arrested?

4 A. No.

5 Q. Have you done anything in
6 preparation for today's deposition?

7 A. I have reviewed what -- I don't
8 know what it is called. I guess, the case
9 notes that Mr. Weber and your office
10 submitted.

11 MS. MCNALLY: Are you referring
12 to the complaint that started this
13 lawsuit?

14 THE WITNESS: Yes.

15 Q. Have you reviewed your 3020a
16 testimony in Mr. Weber's 3020a?

17 A. No.

18 Q. Have you testified at any other
19 3020a?

20 A. No.

21 Q. In any capacity?

22 A. No.

23 Q. These documents you provided
24 today, how did you end up acquiring them
25 now?

1 L. ROBINSON

2 A. I looked at the document, I
3 logged into the system for the School
4 Construction Authority, I believe it is
5 call SCA, and I was able to get a history
6 of the work orders for Brownsville Academy
7 High School and the other document is a
8 part of our annual technology or inventory
9 list and I added the age of each staff
10 member on the list.

11 Q. What lead you to do that?

12 A. Because part of the complaint
13 is that Mr. Weber alleges that he was
14 harassed or discriminated against because
15 of his age and he cited technology as one
16 the reasons.

17 Q. Was this something that you did
18 on your own or was it suggested to you?

19 A. Something that I did on my own.

20 Q. So these are all related to the
21 hood?

22 A. With the exception of the first
23 page, the other documents are related to
24 the hood.

25 Q. And you got that information

1 L. ROBINSON

2 Q. How many staff did you have
3 last year?

4 A. This reflects 19.

5 Q. Is that the same as this year?

6 A. It's sort of different this
7 year. Mr. Lovell is no longer on staff and
8 we have a new Math teacher.

9 Q. The numbers is about the same?

10 A. Yes, the same.

11 Q. Mr. Lovell was a probationary
12 teacher?

13 A. No, he actually went back to
14 school for his doctorate degree.

15 Q. This is the ages next to this,
16 as of last year?

17 A. Yes, sir.

18 Q. So, other than Mr. King, I
19 guess Mr. Weber was the second oldest at
20 the school?

21 A. Can I. Yes, that would be
22 accurate.

23 Q. Are there any other Jewish
24 staff members, to your knowledge, besides
25 Mr. Weber?

1 L. ROBINSON

2 Q. Of those ten, how many did you
3 hire in the school?

4 A. I hired, Ms. Cooks,
5 Ms. Kittrell, Mr. Lovell, three.

6 Q. Did you hire anyone else in
7 that list?

8 A. Yes, I hired Ms. Ronquillo, I
9 hired Mr. Zukas, I hired Ms. Chevere, so
10 three.

11 Q. And one teacher left from last
12 year?

13 A. Yes, Mr. Lovell.

14 Q. Ms. Kittrell, is she a member
15 of that sorority as well?

16 A. She is.

17 Q. Mr. King, is he still there?

18 A. He is.

19 Q. Was he rated unsatisfactory for
20 this year?

21 A. He was not.

22 Q. He was not rated unsatisfactory
23 for 2010-2011?

24 A. No, he was not.

25 Q. Has he ever received an

1 L. ROBINSON

2 A. He has received unsatisfactory
3 observations.

4 Q. In the past year?

5 A. I don't think this year, but I
6 would have to check.

7 Q. Last year he did?

8 A. Maybe, last year.

9 Q. You have to ultimately approve
10 those?

11 A. I review them, I don't
12 ultimately approve them.

13 Q. I was asking about Bruce
14 Fosque, was that someone who was at the
15 school when you were there?

16 A. Yes.

17 Q. He is African-American,
18 correct?

19 A. Yes.

20 Q. Was he there when you arrived?

21 A. Yes, he was there.

22 Q. What did he teach?

23 A. He taught physics.

24 Q. Do you recall how old he was?

25 A. I do not.

1 L. ROBINSON

2 Q. No.

3 A. So, what is this?

4 Q. An Article 78 is a State
5 proceeding, you are not familiar with that?

6 A. No.

7 Q. Have you ever been named in any
8 of those cases?

9 A. No, I thought this was one with
10 Mr. Weber.

11 MS. MCNALLY: Just so that we
12 are clear, there is an Article 78
13 case by Mr. Weber. Right now, we are
14 here for the Federal case but he does
15 have an Article 78 too and they are
16 very related. So, that part may not
17 have been very clear to you.

18 Q. Is it your testimony that you
19 are not aware whether Mr. Fosque brought an
20 Article 78 as well?

21 A. No.

22 Q. Is there a physics program at
23 your school now?

24 A. No, there is not.

25 Q. Is there a chemistry teacher at

1 L. ROBINSON

2 your school now?

3 A. No, there is not.

4 Q. Is there a reason why these
5 programs has not been replaced?

6 A. Sure, funding is one reason.
7 Funding suitable candidates. There are
8 hiring restrictions currently at the DOE
9 right now.

10 Q. So, the reason there is no
11 chemistry or physics program is because of
12 hiring restrictions?

13 A. And funding.

14 Q. Have you looked for a chemistry
15 teacher?

16 A. I am looking now.

17 Q. How about physics, are you
18 looking for a physics teacher still?

19 A. Yes.

20 Q. And you just never found
21 anyone?

22 A. No.

23 Q. Are these mandated or are these
24 elective programs?

25 A. There are science credits that

1 L. ROBINSON

2 subjects, do they get reported to the
3 central DOE?

4 A. Sure, they collect data on
5 them.

6 Q. Have you added any other types
7 of sciences since you have arrived?

8 A. No.

9 Q. So you added earth science, and
10 you have taken any chemistry and physics
11 since you have arrived?

12 A. I haven't taken them away.

13 Q. There is no way to take them
14 right now, is there?

15 A. We can take them through the
16 I-Zone program, where we can have another
17 teacher supervise chemistry or physics.

18 Q. Are any students currently
19 taking chemistry or physics?

20 A. Not right now, no.

21 Q. Who teaches earth science?

22 A. Ms. Phillips.

23 Q. How about Mathematics, do you
24 have some discretion of what courses can be
25 taught?

1 L. ROBINSON

2 A. No, scholars follow pretty much
3 a prescribed Math program. So scholars
4 must complete integrated algebra and
5 geometry and then they move on to Algebra
6 2, Trig and pre-cal.

7 Q. How about like calculus, is it
8 within your discretion to offer that in the
9 school?

10 A. Sure.

11 Q. Do you offer calculus
12 presently?

13 A. No.

14 Q. Was it offered when Ms. Nabors
15 was there?

16 A. No.

17 Q. Has any math been eliminated
18 since you have arrived?

19 A. No.

20 Q. As part of the electives?

21 A. No.

22 Q. I just want to know the
23 population of your school, how many
24 students are there presently?

25 A. 225 is the maximum register.

1 L. ROBINSON

2 Q. Are there actually 225 students
3 in the school?

4 A. No, not right now.

5 Q. Approximately, how many?

6 A. Maybe, about 190 now.

7 Q. And how about last year,
8 approximately the same?

9 A. About the same.

10 Q. Who sets the 225 maximum?

11 A. The DOE has a formula deciding
12 on how many scholars that have seats in the
13 building. Last year I appealed the
14 decision to have it for 225.

15 Q. You wanted a higher number?

16 A. I wanted 225 and they wanted to
17 allocate funding for 200, approximately.

18 Q. So, you were receiving more
19 funding to get more students?

20 A. I was seeking 225, because I
21 thought it accurately reflected how many
22 students we would actually admit for the
23 school and if we had less than 225, there
24 would be budget implications.

25 Q. Have you had to make some

1 L. ROBINSON

2 budget cuts?

3 A. The appeal was successful.

4 Q. So, now you can take the
5 maximum 225?

6 A. Yes.

7 Q. But right now you don't have
8 that number of students?

9 A. We have students that graduated
10 throughout the year. Some transition to
11 GED programs or other school communities as
12 well.

13 Q. I have heard the terms Diploma
14 Plus, is that the type of school this is?

15 A. Yes.

16 Q. How many Diploma Plus schools
17 are there in New York City schools?

18 A. I don't know the exact number,
19 but I would say approximately, maybe eight
20 Diploma Plus schools.

21 Q. They are all high schools
22 essentially?

23 A. Yes.

24 Q. What does Diploma Plus mean?

25 A. Diploma Plus is an opportunity

1 L. ROBINSON

2 for scholars to return to the high school
3 and receive their diploma in addition to
4 college credits, in addition to an 80-hour
5 internship. In addition to participating
6 in community service. In addition to
7 completing and defending a rigorous college
8 level portfolio. So that the diploma
9 indicates that they will receive their
10 diploma at graduation and the plus piece
11 all the additional requirements for
12 graduation.

13 Q. When you say return to high
14 school, are these students who dropped out
15 previously from high school?

16 A. Not necessarily, some of them
17 transition from their current school
18 community. Some of them are from out of
19 the country and they are here in the States
20 looking for a high school environment. So
21 it depends for each child. Some of them
22 are transitioning from private school
23 community and their family can't pay the
24 tuition anymore, so the DOE would offer
25 them to a transfer school.

1 L. ROBINSON

2 A. No, we are part of District 17.

3 Q. Does District 79 still exist?

4 A. No, it does not.

5 Q. Has it been replaced by

6 District 17?

7 A. No.

8 Q. District 79 has been shut down,

9 right?

10 A. District 79 exists, but not as
11 it did previously. But they still have
12 schools and programs and things of that
13 nature but we do not participate in
14 District 79 anymore.

15 Q. That was designed to transfer
16 for students?

17 A. 79?

18 Q. Yes.

19 A. Initially yes, it was a
20 district that supported transfer high
21 schools.

22 Q. When we talk about transfer
23 high schools, are we talking about students
24 who just did not meet academic requirements
25 previously, what's common to the transfer

1 L. ROBINSON

2 students at your school?

3 A. What's common to all transfer
4 schools is that the students are over-aged
5 and under-credited. So that means that you
6 might have a 16 year old, who should have
7 20-something odd credits and maybe they
8 only have 14.

9 Q. Is that attendance issues?

10 A. Different issues, mainly
11 different issues.

12 Q. Who makes the decision to
13 transition students into this program?

14 A. Sometimes their sending school
15 may decide that this child can get back on
16 track and graduate on time. Sometimes,
17 it's the students or their families. So
18 that decision is made external from our
19 school.

20 Q. Do you have discretion to help
21 in the system --

22 A. I believe there are about
23 eight.

24 Q. Do these students have their
25 options which ones they were to choose?

1 L. ROBINSON

2 A. Oh, there are over 40 transfer
3 high schools across the City. So they can
4 select any of those schools.

5 Q. Who is making the choices to
6 come to your school, is it based on the
7 parental input or the students themselves
8 can choose?

9 A. There is a guide that's
10 provided by the Department of Education and
11 the families will select the schools that
12 they would like to attend based on the
13 guide.

14 Q. Do you have the ability to say
15 no to the students who want to attend?

16 A. Yes, if they do not meet the
17 requirements.

18 Q. Which would have to do with
19 what?

20 A. 17 years of age, with ten or
21 more credits.

22 Q. But I am saying if the student
23 was under age and has ten or more credits,
24 can you say no to that student or do you
25 have to take them?

1 L. ROBINSON

2 A. I can say no but based on some
3 other criteria. So part of the interview
4 we are looking for scholars' willingness to
5 come back to school, get back on track and
6 then complete the requirements for their
7 high school diploma. Because we are a
8 Diploma Plus program, we are also preparing
9 our scholars to enter and succeed in
10 college. So, we are looking for scholars
11 who share a similar mission for themselves
12 in their lives.

13 Q. Is there an application or an
14 interview?

15 A. There is an application, there
16 is an interview and an intake assessment.

17 Q. Who does that, are you a part
18 of that?

19 A. I am a part of the team.

20 Q. Who else is part of that team?

21 A. Ms. Day, Ms. Lyle,
22 Ms. Phillips, Mr. Rank, Ms. Mora --

23 Q. Did you choose the team?

24 A. The team pretty much -- the
25 school counselor, they were conducting

1 L. ROBINSON

2 achieving those goals. So, for example,
3 the class pass rate goal or the Regents
4 pass rate, things like that.

5 Q. Is there a measure of
6 graduation rate on how many students
7 actually achieve a diploma or a Regents
8 diploma at your school?

9 A. Yes, it is kept through the
10 progress report.

11 Q. So, you can actually get a
12 report to see what the Regents diploma
13 rates are?

14 A. Not the Regents diploma rates,
15 but you can see the weighted Regents
16 diploma rate, you can see that.

17 Q. Is there a way to measure your
18 success in your school compared to the
19 other Diploma Plus schools?

20 A. We are the top Diploma Plus
21 school. There is a New York City progress
22 report. We rank five out of 40 some odd
23 schools citywide. So, that's our ranking
24 out of all the transfer high schools.

25 Q. That's the ranking of what?

1 L. ROBINSON

2 A. No, my previous role I
3 supervised the parent coordinators in the
4 district?

5 Q. Which district, 79?

6 A. 79. Yes, sir.

7 Q. And so when did you join the
8 principal leadership academy?

9 A. I have been a principal now for
10 four years, so the year preceding my
11 principalship, so if I stated in '08, then
12 I would have to say '07.

13 Q. How long does the program last?

14 A. A year.

15 Q. Were you part of the program
16 while you were an AP?

17 A. No.

18 Q. Is there a summer program that
19 you --

20 A. You have to leave your position
21 to join the leadership academy, there is a
22 summer component and then there is a
23 component that lasts throughout the school
24 year.

25 Q. How many people were in the

1 L. ROBINSON

2 leadership program when you attended?

3 A. I don't know. There were
4 probably about 20 some-odd people in my
5 strand. The year of the academy there is
6 cohort, I believe there were three
7 different strands, and maybe 20 some-odd
8 people in each strand.

9 Q. Is it privately run,
10 independent of the DOE?

11 A. It is now. I think that the
12 DOE was involved in the leadership academy
13 at some point.

14 Q. You go to like traditional
15 classes?

16 A. I wouldn't call it traditional.
17 But you go to a classroom, yes.

18 Q. So, you were not an AP at the
19 time you were going through this?

20 A. No.

21 Q. You took a leave for a year?

22 A. I didn't take the leave, I had
23 to leave my position as AP.

24 Q. Were you still affiliated with
25 the school then for that year?

1 L. ROBINSON

2 A. No, I returned back to the
3 school, I believe in about, I want to say
4 May of that school year of '08.

5 MS. MCNALLY: Was that '08?

6 THE WITNESS: Yes.

7 Q. Was it the whole year, were you
8 out from September to May?

9 A. Yes, I worked at another school
10 during that time.

11 Q. As part of the leadership
12 academy?

13 A. Yes.

14 Q. By the way, I know you often
15 refer to the students as scholars. Is that
16 something you came up with or is that
17 something that they call Diploma Plus
18 candidates?

19 A. I don't know what the other
20 Diploma Plus schools refer to their young
21 people as, but I refer to our young people
22 as scholars.

23 Q. When did you first start doing
24 that?

25 A. When I started as principal.

1 L. ROBINSON

2 Q. Why did you do that?

3 A. I wanted the scholars to know
4 that they were brilliant, and to really
5 move forward towards achieving their goals
6 in life.

7 Q. It was your choice to start
8 calling students scholars, that was your
9 decision?

10 A. Yes.

11 Q. Did Ms. Nabors refer to
12 students as scholars?

13 A. No.

14 Q. Now, when you were the AP, was
15 there any other APs?

16 A. No.

17 Q. It was just Ms. Nabors and you
18 as AP?

19 A. Yes.

20 Q. Was there an AP prior to you?

21 A. No.

22 Q. When did you arrive at that
23 school again?

24 A. In 2005, I believe.

25 Q. The beginning of the year, or

1 L. ROBINSON

2 was it during the middle of the year, the
3 school year?

4 A. At the beginning of the year.

5 Q. So, she hired you as her own AP
6 at that point, and then she retired,
7 Ms. Nabors, when did she retire?

8 A. She retired in '08.

9 Q. After you came back from the
10 leadership academy?

11 A. Yes.

12 Q. Who selected you as principal,
13 made the decision that you became
14 principal?

15 A. The superintendent.

16 Q. With Ms. Nabors'
17 recommendation?

18 A. Ms. Nabors definitely
19 recommended me to apply for the position.
20 There is a vacancy that is posted,
21 candidates will apply, there is a 3020a
22 that Ms. Nabors is not allowed to sit on.

23 Q. A 3020a?

24 A. A C30, excuse me, that Ms.
25 Nabors is not allowed to sit in on and then

1 L. ROBINSON

2 the school community selects a candidate.

3 So the C30 committee is comprised of

4 parents, teachers and an administrator.

5 Q. What kind of an administrator?

6 A. Like someone in the

7 principalship, a principal.

8 Q. And teachers at the school?

9 A. Teachers from the school,

10 students from the school are also members

11 of the C30 and they interview candidates

12 and they make a recommendation. They have

13 to score the candidate.

14 Q. Were there other candidates in

15 the school?

16 A. There were.

17 Q. Did you have to receive a

18 recommendation to become an AP?

19 A. Yes.

20 Q. It's a similar process?

21 A. Yes, for any administrator

22 principal, AP you have to go through a C30

23 process.

24 Q. Then you took over in September

25 of 2008?

1 L. ROBINSON

2 A. Yes.

3 Q. And did you have discretion to
4 hire your own staff at that point?

5 A. I don't think I hire anyone to
6 start but, yes.

7 Q. When did you first hire another
8 administrator?

9 A. I didn't hire an administrator.

10 Q. Did you get an AP that first
11 year?

12 A. No, Ms. Warren and Ms. Phillips
13 were both hired under Ms. Nabors.

14 Q. So before she retired, she
15 hired them as APs?

16 A. Yes, she hired Ms. Phillips to
17 replace me and she hired Ms. Warren because
18 the English department needed support.

19 Q. Were you involved in the
20 recommendation regarding them?

21 A. No.

22 Q. You had no input at all in this
23 decision?

24 A. No, Ms. Nabors hired them.

25 Q. Did you tell them about the

1 L. ROBINSON

2 Q. He teaches like, living
3 environment?

4 A. Yes.

5 Q. Was he assigned to work with
6 Mr. Weber at some time?

7 A. He worked with Mr. Weber as
8 part of their department. It was a very
9 collaborative community and departments
10 worked together and teachers worked
11 together to support one another.

12 Q. Who was in that department, is
13 that a department that you created or that
14 was just considered like the science
15 department?

16 A. The science department.

17 Q. Is Ms. Phillips in charge of
18 that?

19 A. Yes.

20 Q. Who is a part of the science
21 department?

22 A. Right now it is Ms. Phillips
23 and Mr. Andrews. Previously, it was
24 Ms. Phillips, Mr. Weber and Mr. Andrews.

25 Q. So, Ms. Phillips teaches like

1 L. ROBINSON

2 the earth science and Mr. Andrews teaches
3 like living environment?

4 A. Yes.

5 Q. And that's the entire science
6 department, right?

7 A. Yes.

8 Q. And Mr. Fosque was also a part
9 of this?

10 A. He was.

11 Q. And Mr. Weber?

12 A. Yes.

13 Q. How often do they have
14 meetings, do you know?

15 A. Yes.

16 Q. Are you part of those meetings?

17 A. Sometimes I would sit in the
18 meetings.

19 MR. GLASS: Let's take a five
20 minute break.

21 (Whereupon, an off-the-record
22 discussion was held from 2:20 to
23 2:27.)

24 MR. GLASS: Back on the record.

25 Q. I have a couple questions about

1 L. ROBINSON

2 Mr. King, do you know if he is returning
3 next year?

4 A. He is retiring.

5 Q. So, he is the oldest teacher at
6 your school now, right?

7 A. Yes.

8 Q. Do you have any other teachers
9 in their fifties, Ms. Cooks; is that right?

10 A. I would have to take a look at
11 the chart.

12 Q. You said you came into the
13 school as an AP in September of 2005?

14 A. Yes.

15 Q. And Mr. Weber was already
16 there?

17 A. He started along with me.

18 Q. The same time?

19 A. Yes.

20 Q. You became principal in
21 December of 2008, I believe?

22 A. In July.

23 Q. Now, as an AP, did you ever
24 rate Mr. Weber?

25 A. No, the principal does all the

1 L. ROBINSON

2 A. I don't know the exact date.

3 Q. Who ultimately makes the
4 decision to decide to charge, is that
5 someone in legal that does that?

6 A. The principal in conjunction
7 with legal, so legal files the paperwork.

8 Q. Is that part of your network
9 leadership team or is that part of your
10 superintendent, like the high school
11 superintendent?

12 A. They operate external from
13 those two entities.

14 Q. The 3020a process, you mean?

15 A. Yes.

16 Q. When did you know that they
17 were going to charge him with the 3020a, it
18 was this school year, right?

19 A. Yes.

20 Q. And who determined the timing
21 of when to serve him?

22 A. Legal.

23 Q. Were you aware that he was
24 served on the eve of Yom Kippur?

25 A. I was not aware until I read

1 L. ROBINSON

2 Mr. Weber's complaint.

3 Q. Did you have any discretion as
4 to when to serve him?

5 A. No, I did not.

6 Q. It was made in the fall and you
7 were told to go ahead and give him these
8 papers?

9 A. I know the paperwork was
10 completed long before he was served, and I
11 don't know the decision in terms of the
12 date to actually serve Mr. Weber.

13 Q. Was the DOE attorney who
14 prosecuted the case part of the TAC
15 conferences?

16 A. She was not part of the initial
17 meetings, but she was part of the
18 subsequent meeting. I think she assigned
19 the case through her supervisor.

20 Q. When was he removed from his
21 duties of teaching chemistry?

22 A. I don't have the exact date but
23 it was early this school year.

24 Q. Was it after he received the
25 charges?

1 L. ROBINSON

2 A. Yes, after he received the
3 charges.

4 Q. When was he removed from the
5 school?

6 A. Early this school year as well.
7 I believe it was November of 2011.

8 Q. Was he still teaching at that
9 point in the classroom?

10 A. At the other school?

11 Q. No, when he was removed from
12 your school?

13 A. No, he was assigned to a
14 scanning position.

15 Q. Why was he, I know that there
16 were several teachers who continued to
17 teach during the charges, why did you make
18 the decision to take him out of the
19 classroom?

20 A. Central DOE made that decision
21 to remove him --

22 Q. You had no input in it?

23 A. -- from the classroom because
24 of disciplinary issues in the classroom.
25 There was a fight in his classroom, and

1 L. ROBINSON

2 some other issues that placed scholars at
3 risk in his classroom.

4 Q. What fight are you talking
5 about; in the fall there was a fight in his
6 classroom?

7 A. Not in the fall, but throughout
8 the course of the time that Mr. Weber was
9 there.

10 Q. It wasn't your choice it was
11 Central DOE did that?

12 A. Yes.

13 Q. Who from Central DOE?

14 A. Folks from Tweed had him
15 removed from the classroom.

16 Q. Was that an individual that you
17 spoke to about this?

18 A. I believe it was part of the
19 process, where teachers are removed. This
20 is the first time that I have ever been a
21 part of 3020a.

22 Q. There is a story about an
23 abolition of rubber rooms, why was he
24 reassigned from your school?

25 A. Mr. Weber was seated at

1 L. ROBINSON

2 scanning.

3 Q. To scanning papers?

4 A. There is a scanning protocol at
5 our school. So when scholars come into the
6 building they are scanned with metal
7 detectors and things like that.

8 Q. You mean he was sitting there
9 scanning when people come in through the
10 metal detectors?

11 A. Yes, you have to have a
12 teacher, a pedagogue to observe the
13 scanning process.

14 Q. Like what the guards were doing
15 essentially?

16 A. The school safety agents, yes.

17 Q. He was doing that after you
18 reassigned him from the teaching duty?

19 A. Yes.

20 Q. Why was he removed from the
21 school?

22 A. He was removed from the school
23 through central, he was seated at scanning
24 and he was just continuing to talk about
25 myself and the AP's and things of that

1 L. ROBINSON

2 nature.

3 Q. So, you asked for him to be
4 removed?

5 A. Oh, yes, I wanted him removed
6 at that point when he was at scanning and
7 he was talking about us at the school with
8 the students.

9 Q. Is that because kids were
10 coming up to him and asking him, why he
11 wasn't teaching chemistry anymore?

12 A. Mr. Weber would provide
13 information that was not solicited.

14 Q. But he did have some popularity
15 with some of the students in the school,
16 would you say that's fair?

17 A. Yes, some of the students at
18 the school, they knew Mr. Weber, they spoke
19 with him and he could dance with the kids.

20 Q. Dance, what do you mean by
21 that?

22 A. Like dance, he would do the
23 kids', their current dances.

24 Q. It was your recommendation to
25 have him removed from the school because

1 L. ROBINSON

2 you thought he was becoming disruptive?

3 A. Yes, absolutely.

4 Q. Now, you are aware that he had
5 brought charges filed State Division
6 charges with the Division of Human Rights?

7 A. No, you want to tell me about
8 it. Is it Article 78?

9 Q. No, the discrimination charges?

10 A. That's what this is part of,
11 correct?

12 Q. Part of it. Did someone at
13 legal contact you to respond to the
14 discrimination charges at some point?

15 A. I received so many e-mails
16 throughout the years regarding Mr. Weber.

17 Q. Do you recall the first time
18 that you became aware that he alleged
19 discrimination based on age, religion, that
20 type of thing?

21 A. I don't know what happened with
22 that case.

23 Q. Do you recall having to give a
24 response to those allegations to a DOE
25 attorney who was responding on behalf of

1 L. ROBINSON

2 production of the e-mails.

3 MS. MCNALLY: It's been
4 provided already.

5 MR. GLASS: If you can identify
6 for the record which e-mail she is
7 referring to.

8 Q. You do remember an e-mail you
9 having received, do you have any e-mails
10 between you -- I assume when you became
11 aware of Mr. Weber's allegations, there was
12 an e-mail sent to you saying we got a
13 complaint from Mr. Weber and we need a
14 response?

15 A. Say that again, please.

16 Q. When you responded to
17 Mr. Weber's allegations of discrimination
18 against you, I assume that you were
19 notified by e-mails, that a complaint had
20 come in and you had to respond, correct?

21 A. I was notified via e-mail.

22 Q. Do you have copies of those
23 e-mails?

24 A. I am sure I do.

25 MR. GLASS: I will call for the

1 L. ROBINSON

2 Q. So, after this parent made this
3 complaint to you, what did you do?

4 A. I reported it.

5 Q. You called which office?

6 A. You have to report it through
7 -- you have to call it in. I am trying to
8 think of the place that you call it in to
9 and create and the Online Occurrence
10 Reporting System and then they refer the
11 case to OEO, and they tell you who is going
12 to investigate the case.

13 Q. So, you called the OEO, not OSI
14 at this point, right?

15 A. No.

16 Q. So, you made --

17 A. I am contacting the central ORS
18 system, and they route the cases
19 appropriately. So, sometimes, let's say if
20 there is a verbal abuse allegation. They
21 might tell me to investigate or they may
22 identify someone else to investigate.

23 Q. So you put in an ORS report on
24 the central system and someone else routes
25 it to the appropriate person?

1 L. ROBINSON

2 A. That's exactly what happens.

3 Q. After you did that, was there
4 any further communication that you had with
5 the OEO investigators?

6 A. After that's done, OEO was
7 assigned to investigate the case, I didn't
8 work with the person. So I have to assign
9 someone to sit in as scholars provide their
10 testimony.

11 Q. So, you sat in on some of these
12 interviews?

13 A. No, I didn't sit in on any of
14 them.

15 Q. Did someone from OEO come and
16 do the investigation?

17 A. Yes.

18 Q. Do you remember who that person
19 was?

20 A. I don't remember her name.

21 Q. Did you draw your own judgment
22 as to the credibility of these allegations?

23 A. No, I just let the case
24 investigator do what she had to do.

25 Q. What was the outcome of these

1 L. ROBINSON

2 A. Yes.

3 Q. So, you are saying that he was
4 just assigned to do this for a particular
5 day, one coverage?

6 A. Yes.

7 Q. So, had he been assigned to
8 this class before?

9 A. I don't know if he was assigned
10 to this class before.

11 Q. If he didn't have a class list
12 that day for this class, did he have a
13 class list for every class in the school?

14 A. Yes.

15 Q. He would be given a class list
16 for every class in the school, is that what
17 you are saying?

18 A. Yes. Everyone receives a class
19 list for every class in the school.

20 Q. Who does that, Ms. Ingradi?

21 A. I don't know who sent it out, I
22 believe Ms. Ingradi or Mr. Rank sent it via
23 e-mail.

24 Q. When is this sent out, in the
25 beginning of the school year?

1 L. ROBINSON

2 A. It was a few weeks prior to the
3 incident.

4 Q. The class lists change during
5 the school year, don't they?

6 A. They can change.

7 Q. Do you provide updated class
8 lists to all the teachers every time there
9 are changes?

10 A. The class lists are very
11 consistent after the first two weeks in any
12 quarter, that's when all program changes
13 are done.

14 Q. Are classes sent out by e-mail?

15 A. Via e-mail, yes.

16 Q. Would you have a copy of that
17 e-mail as to when you received it?

18 A. I do not, but I have to find
19 out if Ms. Ingradi or Mr. Rank retained the
20 e-mail.

21 MR. GLASS: I ask for the
22 production of that e-mail.

23 Q. Is there a Mr. Alba (phonetic)
24 in your school?

25 A. Yes, not currently, he was a

1 L. ROBINSON

2 member of our school community.

3 Q. What was his role?

4 A. The technology specialist.

5 Q. Was he assigned to give
6 technology to teachers, was that part of
7 his role?

8 A. Yes.

9 Q. Did Mr. Alba ever come to you
10 about Mr. Weber asking for certain
11 technology at the school?

12 A. Yes.

13 Q. And what did he come to you
14 about?

15 A. Mr. Weber needing a SMART Board
16 and also Mr. Weber needing a projector in
17 his class.

18 Q. Do you recall when he came to
19 you?

20 A. No, I do not.

21 Q. Did he just tell you that
22 Mr. Weber needed these things the SMART
23 Board and the projector?

24 A. He provided Mr. Weber with the
25 SMART Board and a projector.

1 L. ROBINSON

2 Q. Do you recall when that
3 occurred?

4 A. No, I do not.

5 Q. Are there e-mails that talked
6 about that?

7 A. Yes.

8 Q. This was all said to you
9 verbally?

10 A. Yes.

11 Q. Was there some point when Mr.
12 Weber did not have a SMART Board and when
13 he was requesting one?

14 A. Not to my knowledge.

15 Q. How about laptops, were there
16 times that Mr. Weber requested laptops and
17 was not given the laptops he was asking
18 for?

19 A. I know Mr. Weber wanted laptops
20 and I don't know if he received the laptops
21 or not, but I do know that he was able to
22 use the Mac labs, the computer labs in the
23 building.

24 Q. How many mac labs are there?

25 A. There are two now, but there

1 L. ROBINSON

2 was one Mac lab and Dell lab.

3 Q. Some teachers had received Macs
4 in their rooms?

5 A. Some people have laptop carts
6 and you have a list of all the teachers who
7 had laptop carts.

8 Q. How do you decide who you give
9 laptop carts to?

10 A. Initially, most of the teachers
11 already had laptop carts with the Dell
12 laptops, and then the I-Zone teachers
13 receive the Mac.

14 Q. What's an I-Zone teacher?

15 A. An I-Zone teacher utilizes the
16 I-Zone online courseware. So we apply to
17 be a part of the I-Zone program with the
18 DOE. The teachers who were a part of the
19 I-Zone had an opportunity to use the Mac
20 Book.

21 Q. I-Zone teachers, is that like a
22 federal program?

23 A. No, it is a DOE program.

24 Q. How do you become an I-Zone
25 teacher?

1 L. ROBINSON

2 program.

3 Q. These laptop carts that are
4 listed on this chart, what does that mean?

5 A. Those are the letters of the
6 carts that the teacher used.

7 Q. How do you decide which
8 teachers get which carts?

9 A. Those were already assigned
10 prior to my arrival to the school.

11 Q. Were you trying to get carts
12 for all the classes?

13 A. Yes, I would love carts for all
14 of the classes.

15 Q. Do you have to get the
16 resources for that?

17 A. That is correct.

18 Q. Every classroom has at least
19 one computer?

20 A. Every single classroom, yes.
21 It has desktop computers.

22 Q. What about this hood he asked
23 you for, like a ventilation hood, did that
24 come through Mr. Alba or someone else?

25 A. The hood was requested through

1 L. ROBINSON

2 Ms. Nabors, her principalship, the date of
3 the request and the last inquiry.

4 MR. GLASS: Can you mark these,
5 please.

6 (Whereupon, the aforementioned
7 document were marked as Plaintiff's
8 Exhibits 1 and 2 for identification
9 as of this date by the Reporter.)

10 Q. This first document, did you
11 create this document?

12 A. No, it was created by either
13 Alba or Ms. Ingradi.

14 Q. At your request?

15 A. Part of the technology
16 inventory for your school.

17 Q. So, this was not created for
18 this litigation necessarily?

19 A. No, but the ages were added as
20 a result of this litigation.

21 Q. At your request, to add the
22 ages?

23 A. Yes.

24 Q. Otherwise all the information
25 was on there as of January of 2011?

1 L. ROBINSON

2 Q. What's the next page?

3 A. The next page is an e-mail from
4 Ms. Phillips to Kevin Noland, providing a
5 copy of the installation directions for the
6 exhaust hood and also acknowledging that
7 there is an outstanding work order for the
8 installation of this equipment, and also
9 indicating that students enrolled in the
10 chemistry class are required to complete
11 1200 minutes of lab and that we really need
12 the ventilation hood installed.

13 Subsequent pages include the
14 directions and information of the hood and
15 what would need to be done to install the
16 hood.

17 Q. So, did it ever get installed?

18 A. No, it's still not installed.

19 Q. What was the reason you didn't
20 get the funding?

21 A. Yes.

22 Q. You feel that you made efforts
23 to try and get it?

24 A. Absolutely.

25 Q. When did Ms. Nabors first put

1 L. ROBINSON

2 in that request?

3 A. She put the request in on
4 January 17, 2007.

5 MR. GLASS: Can you mark these
6 documents.

7 (Whereupon, the aforementioned
8 documents were marked as Plaintiff's
9 Exhibits 3 through 8 for
10 identification as of this date by the
11 Reporter.)

12 Q. So, my first question is, these
13 report cards started in 2007-2008?

14 A. Yes.

15 Q. Have they changed the criteria
16 for evaluating the school, do you know?

17 A. Yes, the criteria has changed
18 somewhat over the years, they became more
19 rigorous.

20 Q. Do you know how they were
21 rating student performance at that point,
22 like what was the criteria, if you know?

23 A. Six-year graduation rate,
24 diploma rate, and then six years' rate by
25 accredited admission.